

***United States Court of Appeals
for the Second Circuit***



APPENDIX

77-1358

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,
Appellee

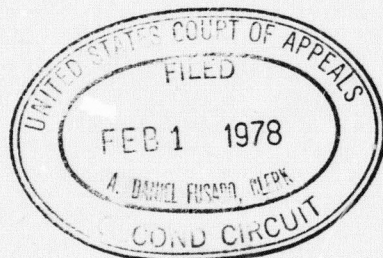
against

LOUIS BAS, JR.,
Defendant-Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

APPELLANT'S APPENDIX

Lee R. Miller
Council for the Appellant
Louis Bas, Jr.
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PAGINATION AS IN ORIGINAL COPY

STATE Assigned: 135 vs BAS, LOUIS, JR.
008 1 0857
District Office
U.S. TITLE/SECTION
18:371
18:1343
18:2314
18:2312
OFFENSES CHARGED
Consp. to commit wire fraud
Wire Fraud
Interstate transportation of forged security
Interstate transportation of stolen motor vehicle
ORIGINAL COUNTS
1
2&3, 7, 10, 12,
20-21, 25
4-6, 8, 11,
13, 15, 17-19,
22-24, 26
9, 14, 16,
27-29
SUPERSEDING COUNTS
7/12

II. KEY DATES & INTERVALS
ARREST or U.S. Custody Began
Summ
First Appearance
INDICTMENT Information 4-7-77
Indict Waived
In Charging District
Superseding Indict/Info 4-19-77
ARRAIGNMENT 4-14-77
1st Plea 4-14-77
Final Plea
TRIAL Trial Set For
Vot Dire
Disposition of Charges 7-1-77
On All Charges
On Lesser Offense(s)
WOP
WP
On Government Motion

MAGISTRATE
DATE
INITIAL/NO.
SEARCH WARRANT
Issued
Return
Summons
Issued
Served
Arrest Warrant Issued
COMPLAINT
OFFENSE (in Complaint)
INITIAL APPEARANCE DATE
PRELIMINARY EXAMINATION OF
REMOVAL
HEARING
WAIVED
NOT WAIVED
INTERVENING INDICTMENT

U.S. Attorney, or Asst.
Jeremy G. Epstein
791-0036
219
ATTORNEYS
Lee Miller
585 West End Ave
New York, N.Y. Tel: 595-2293

I. Crutch-01, Caro-03, E. Crutch-04, Kim-05, Doe-06
4-7-77 Filed Indictment & Ordered sealed. B/W Ordered.
.....Lasker, J. B/W Issued.
4-12-77 Indictment Ordered unsealed.....Lasker, J.
4-14-77 Deft. (atty. Lee Miller present) pleads not guilty. R.O.R.
Case assigned to Carter, J. for all purposes.....Lasker, J.
4-18-77 Filed PAPERS REC'D From the US. Mag's Office: Docket Sheet,
Notice of Appearance, Warrant for Arrest of Deft. Ext: 4-12-77,
Disposition Sheet and copy of the Indictment.
4-19-77 Filed Superseding Indictment & referred to Carter, J.
.....Stewart, J.
4-21-77 Filed Pre-trial conference held. Govt., moves orally to
dismiss this indictment (original). Application granted. CARTER, J. 9-16/77/10/1
6-3-77 Filed deft's Notice of Motion for for an order for a separte trial
as to all counts etc. Ret: 6-10-77 at 9:00 Rm 905.
6-3-77 Filed deft's Memo of Law in support of motion for severanse.etc.

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY
DOCUMENT NO.		Interval Excluded (a)	Start Date End Date (b)
6-8-77	Filed Government's memorandum in opposition to defendant's motion for a severance.		
6-28-77	Filed MEMO-ENDORSED on Deft's motion dated 6-3-77 for an order for a separate trial - MOTION DENIED. CARTER, J. m/n.		
6-20-77	Jury trial began and cont'd.		
6-21-77	Trial Cont'd.		
6-22-77	" "		
6-23-77	" "		
6-27-77	" "		
6-28-77	" "		
6-29-77	" "		
6-30-77	" " and concluded. Jury verdict deliberating.		
7-1-77	Jury still deliberating. Jury verdict Guilty on counts 1,15-17, 25-27, not guilty on counts 2-14,18-24,28 & 29. P.S.R. ordered. Sentence Adj'd to 7-27-77 at 9:30 A.M. Deft cont'd on P.O.R.. CARTER, J.		
5-77	Filed Affidavit of Isiah Crutch on behalf of this deft.		
7-12-77	Filed NOTICE OF APPEAL to the USCA by the deft, from the Judgment dated 7-1-77. Mailed Notices to the AUSA and the counsel for the appellant.		
7-27-77	Filed JUDGMENT AND PROBATION/COMMITMENT ORDER- teh deft. is committed to the custody of the Atty Gen. for impr for a period of FIVE(5) on each of counts 1,15,16 17,25,26 & 27 to run concurrently with each other. The deft. is released on his own recognizance pending appeal. Carter J. (all copies issued).		

A TRUE COPY

RAYMOND E. BURGHARDT, Clerk

By

Deputy Clerk

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

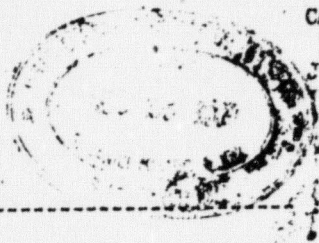
UNITED STATES OF AMERICA

-v-

LOUIS BAS JR.

CASE NO. 77 Cr 246

JUDGE Carter



EXTRACT OF DOCKET ENTRIES

DATE

PROCEEDINGS

8/12/77

Filed transcript record of proceedings dtd:
July 27, 1977

77-1358

77-453
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

INDICTMENT

77 Cr.

ISIAH CRUTCH,
LOUIS BAS, JR.,
LEONARD J. CARO,
EUGENE CRUTCH,
HEE SOO KIM, and
JOHN DOE, a/k/a "Eli Niccolo,"

Defendants.
-----X

FIRST COUNT

The Grand Jury charges:

1. From on or about the 1st day of January, 1975, up to and including the date of the filing of this indictment, in the Southern District of New York and elsewhere, ISIAH CRUTCH, LOUIS BAS, JR., LEONARD J. CARO, EUGENE CRUTCH, HEE SOO KIM, and JOHN DOE, a/k/a "Eli Niccolo," the defendants, and Jerold Michael Heitzner, Suzan R. Abbott, Michael Zilberberg, and Lloyd Williams, named herein as co-conspirators but not as defendants, unlawfully, wilfully and knowingly did combine, conspire, confederate and agree together and with each other, and with others to the Grand Jury known and unknown, to commit offenses against the United States, to wit, violations of Sections 1343, 2312, and 2314 of Title 18, United States Code.

2. It was part of said conspiracy that the defendants and their co-conspirators, having devised and intending to devise schemes and artifices to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals and sounds for the purpose of executing such schemes and artifices.

3. It was further a part of said conspiracy that the defendants and their co-conspirators would and did transport and cause to be transported in interstate and foreign commerce motor vehicles, knowing such motor vehicles to have been stolen and taken by fraud.

4. It was further a part of said conspiracy that the defendants and their co-conspirators would and did transport and cause to be transported in interstate and foreign commerce goods, wares, merchandise, securities, and money of a value in excess of \$5,000, knowing the same to have been stolen, converted, and taken by fraud.

5. It was further a part of said conspiracy that the defendants and their co-conspirators, with unlawful and fraudulent intent, would and did transport and cause to be transported in interstate and foreign commerce falsely made, forged, and counterfeited securities, knowing the same to have been falsely made, forged, and counterfeited.

OVERT ACTS

In furtherance of said conspiracy, and to affect the objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

1. Between January 1, 1975 and November 1, 1975, ISIAH CRITCH, the defendant, obtained quantities of counterfeit bank checks from LOUIS BAS, JR., the defendant, at 988 Winthrop Street, Brooklyn, New York.

2. On March 20, 1975, co-conspirator Susan R. Abbott placed a telephone call from New York, New York to the Security National Rare Coin Company, San Antonio, Texas, during which she placed an order for approximately \$19,915 worth of gold coins on behalf of Lew Williams and Associates, 10 East 39th Street, New York, N.Y.

3. On March 21, 1975, co-conspirator Susan R. Abbott placed a telephone call from New York, New York to

the Security National Rare Coin Company, San Antonio, Texas, during which she placed an additional order for approximately \$5,675 worth of gold coins.

4. On or about March 23, 1975, ISIAH CRUTCH, the defendant, sent by special delivery mail to the Security National Rare Coin Company, San Antonio, Texas, an envelope containing a counterfeit check drawn on the account of Law Williams and Associates at the Marine Midland Bank in the amount of \$25,590.

5. On March 25, 1975, co-conspirator Jerold Michael Heitzner received a shipment of approximately \$18,800 worth of gold coins from a messenger at John F. Kennedy Airport, Queens, New York.

6. On March 25, 1975, co-conspirator Jerold Michael Heitzner handed a package containing approximately \$18,800 worth of gold coins to ISIAH CRUTCH, the defendant, in Queens, New York.

7. On March 26, 1975, co-conspirator Jerold Michael Heitzner received a shipment of approximately \$6,790 worth of gold coins from a messenger at John F. Kennedy Airport, Queens, New York.

8. On March 26, 1975, co-conspirator Jerold Michael Heitzner handed a package containing approximately \$6,790 worth of gold coins to ISIAH CRUTCH, the defendant, in Queens, New York.

9. On or about April 1, 1975, ISIAH CRUTCH, the defendant, gave co-conspirator Jerold Michael Heitzner \$2,500.

10. On April 14, 1975, co-conspirator Susan R. Abbett, using the name "Elaine Goldstein", placed a telephone call from New York, New York to the Continental Coin Company, Minneapolis, Minnesota, during which she placed an order for approximately \$65,521.25 worth of gold coins on behalf of the Hilton Investment Corporation, Two Penn Plaza, New York, New York.

11. On May 1, 1975, ISIAH CRUTCH, the defendant, had a conversation with co-conspirator Jerold Michael Haitzner by telephone in New York, New York in which ISIAH CRUTCH directed Jerold Michael Haitzner to go to the office of Brinks, Incorporated, 27 William Street, New York, New York.

12. On May 1, 1975, co-conspirator Jerold Michael Haitzner, using the name "Mr. Young," executed an agreement with Brink's Incorporated on behalf of the Hilton Investment Corporation, at the office of Brink's Incorporated, 27 William Street, New York, New York.

13. On May 20, 1975, ISIAH CRUTCH, the defendant, gave co-conspirator Suzan R. Abbott a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$12,500.

14. On May 20, 1975, co-conspirator Suzan R. Abbott, using the name "Elonda D'Auria", purchased a 1973 Mercedes Benz, vehicle identification number 116033-12-009217, from Leonard C. Yaseen, 2 Bay Avenue, Larchmont, New York, with a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$12,500.

15. On May 28, 1975, ISIAH CRUTCH, the defendant, and co-conspirator Suzan R. Abbott drove to Prestige Motors, Paramus, New Jersey.

16. On May 28, 1975, co-conspirator Suzan R. Abbott, using the name "Elonda D'Auria", sold a 1973 Mercedes Benz, vehicle identification number 116033-12-009217, to Prestige Motors, Paramus, New Jersey, for \$10,500.

17. On May 28, 1975, co-conspirator Suzan R. Abbott cashed a check for \$10,500 drawn on the account of Prestige Motors, Paramus, New Jersey, at the United Jersey Bank, Garden State Plaza, New Jersey.

18. On May 28, 1975, co-conspirator Susan R. Abbott handed \$10,500 to ISIAH CRUTCH, the defendant.

19. On May 31, 1975, co-conspirator Jerold Michael Heitzner placed a telephone call from New York, New York to Dionisio Ramon Arenas in Morristown, New Jersey.

20. On May 31, 1975, ISIAH CRUTCH, the defendant, handed to co-conspirator Jerold Michael Heitzner a counterfeit check drawn on the account of Raleigh L. Davenport at the Manufacturers Hanover Trust Company in the amount of \$1,395.00.

21. On May 31, 1975, co-conspirator Jerold Michael Heitzner traveled from New York, New York, to Morristown, New Jersey.

22. On May 31, 1975, co-conspirator Jerold Michael Heitzner, using the name "Raleigh Davenport", purchased a Hasselblad camera from Dionisio Ramon Arenas in Morristown, New Jersey with a counterfeit check drawn on the account of Raleigh L. Davenport at the Manufacturers Hanover Trust Company in the amount of \$1,395.00.

23. On May 31, 1975, Jerold Michael Heitzner gave a Hasselblad camera to ISIAH CRUTCH, the defendant, at 67 E. 11th Street, New York, New York.

24. On or about June 5, 1975, ISIAH CRUTCH, the defendant, gave co-conspirator Jerold Michael Heitzner \$300.

25. On or about June 15, 1975, co-conspirator Susan R. Abbott placed a telephone call from New York, New York, to Samuel Higginbottom in Greenwich, Connecticut.

26. On June 16, 1975, ISIAH CRUTCH, the defendant, handed to co-conspirator Susan R. Abbott a counterfeit check drawn on the account of the Barclay's Bank of New York in the amount of \$13,500.

27. On June 16, 1975, co-conspirator Suzan R. Abbott, using the name "Katrina Walters," purchased a 1974 Mercedes Benz, vehicle identification number 10704412019066, from Samuel Higginbottom in Greenwich, Connecticut, with a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$13,500.

28. On or about June 23, 1975, ISIAH CRUTCH, the defendant, and co-conspirator Suzan R. Abbott drove to Rally Motors, Glen Cove, New York.

29. On or about June 23, 1975, co-conspirator Suzan R. Abbott attempted to sell a 1974 Mercedes Benz, vehicle identification number 10704412019066, to Rally Motors, Glen Cove, New York.

30. On or about June 25, 1975, co-conspirator Suzan R. Abbott sold a 1974 Mercedes Benz, vehicle identification number 10704412019066, to Benzal Busch Motor Car Corporation, 28 Grand Avenue, Englewood, New Jersey, for \$11,200.

31. On or about June 25, 1975, co-conspirator Suzan R. Abbott cashed a check for \$11,200 at a bank in Englewood, New Jersey.

32. On or about June 25, 1975, co-conspirator Suzan R. Abbott handed \$11,200 to ISIAH CRUTCH, the defendant.

33. On July 23, 1975, LEONARD J. CARO, the defendant, purchased a 1974 Mercedes Benz, vehicle identification number 10704412019518, from Robert Slobodien, 128 Passaic Avenue, Fairfield, New Jersey, with a counterfeit check drawn on the Bankers Trust Company in the amount of \$14,000.

34. On July 23, 1975, LEONARD J. CARO, the defendant, drove a 1974 Mercedes Benz, vehicle identification number 10704412019518, from 128 Passaic Avenue, Fairfield, New Jersey, to 12 E. 13th Street, New York, New York.

35. On July 24, 1975, ISIAH CRUTCH, the defendant, instructed co-conspirator Susan R. Abbott to take a 1974 Mercedes Benz, vehicle identification number 10704412019518, to E.G. Schane, Inc., 210 W. 70th Street, New York, New York.

36. On July 24, 1975, co-conspirator Susan R. Abbott, using the name "Sheila Slobodian," attempted to sell a 1974 Mercedes Benz, vehicle identification number 10704412019518, to E.G. Schane, Inc., 210 W. 76th Street, New York, New York.

37. In or about July, 1975, ISIAH CRUTCH, the defendant, met co-conspirator Michael Zilberberg at 315 W. 57th Street, New York, N.Y.

38. In or about August, 1975, ISIAH CRUTCH gave to co-conspirator Michael Zilberberg one hundred counterfeit Bankers Trust Company official checks, having an aggregate face value of \$1,750,000.

39. On or about July 8, 1975, ISIAH CRUTCH, the defendant, gave to co-conspirator Jerold Michael Heitzner two counterfeit checks, a check drawn on the Barclay's Bank of New York in the amount of \$14,607.13 and a check drawn on the Peoples Trust of New Jersey in the amount of \$12,550.

40. On July 8, 1975, HEE SOO KIM, the defendant, and co-conspirator Jerold Michael Heitzner traveled from New York, New York to Park Ridge, Illinois.

41. On July 8, 1975, co-conspirator Jerold Michael Heitzner opened an account at the Citizens Bank and Trust Company, Park Ridge, Illinois, in the name "Bernard Kantor."

42. On July 8, 1975, co-conspirator Jerold Michael Heitzner deposited in an account opened at the Citizens Bank and Trust Company, Park Ridge, Illinois, a counterfeit check drawn on the People's Trust of New Jersey in the amount of \$12,550.

43. On July 8, 1975, HEE SOO KIM, the defendant, opened an account at the Citizens Bank and Trust Company in the name "Bette A. Lang."

44. On July 8, 1975, HEE SOO KIM, the defendant, deposited in an account opened at the Citizens Bank and Trust Company, Park Ridge, Illinois, a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$14,607.13.

45. On or about August 29, 1975, ISIAH CRUTCH, the defendant, directed co-conspirator Suzan R. Abbott to place a telephone call to the Polaroid Corporation, Paramus, New Jersey.

46. On or about August 29, 1975, co-conspirator Suzan R. Abbott placed a telephone call from New York, New York to the Polaroid Corporation in Paramus, New Jersey during which she placed an order for 250 Polaroid SX-70 cameras at a total cost of \$33,000 on behalf of the International Monetary Exchange.

47. On or about September 4, 1975, co-conspirator Suzan R. Abbott placed a telephone call to Broser Bros., Inc., a moving company.

48. On September 4, 1975, ISIAH CRUTCH, the defendant, gave to co-conspirator Suzan R. Abbott a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$33,000.

49. On September 4, 1975, co-conspirator Suzan R. Abbott delivered a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$33,000 to an employee of Broser Bros., Inc.

50. On September 4, 1975, co-conspirator Jerold Michael Heitzner followed a Broser Bros., Inc. moving van from New York, New York to the Polaroid Corporation, Paramus, New Jersey.

51. On September 4, 1975, co-conspirator Jerold Michael Heitzner followed a Broses Bros., Inc., moving van from the Polaroid Corporation, Paramus, New Jersey, to 1160 Fifth Avenue, New York, New York.

52. On September 4, 1975, LEONARD J. CARO, the defendant, and co-conspirator Jerold Michael Heitzner supervised the unloading of 250 Polaroid SX-70 cameras from a Broses Bros., Inc. moving van to a storage room at 1160 Fifth Avenue.

53. On September 8, 1975, co-conspirator Suzan R. Abbott placed a telephone call from New York, New York to the Polaroid Corporation in Paramus, New Jersey, during which she placed an order for 150 Polaroid SX-70 cameras at a total cost of \$19,800 on behalf of the International Monetary Exchange.

54. On September 9, 1975, ISIAH CRUTCH, the defendant, gave to co-conspirator Suzan R. Abbott a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$19,800.

55. On September 9, 1975, co-conspirator Suzan R. Abbott delivered a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$19,800 to an employee of Broses Bros., Inc.

56. On September 13, 1975, ISIAH CRUTCH, the defendant, gave LEONARD J. CARO, the defendant, a check drawn on the Barclay's Bank of New York in the amount of \$7,288.

57. On September 13, 1975, ISIAH CRUTCH and LEONARD J. CARO, the defendants, drove to a Western Union office at 100 Nicholas Court, Hempstead, New York.

58. On September 13, 1975, LEONARD J. CARO, the defendant, using the name "Paul Lyons," presented a check drawn on the Barclay's Bank of New York in the amount of \$7,288 to an employee of the Western Union office at

100 Nicholas Court, Hampstead, New York and attempted therewith to send \$7,288 by wire to Philadelphia, Pennsylvania.

59. On or about September 1, 1975, HEK SOO KIM, the defendant, using the name "Eva Kai," placed a telephone call from New York, New York to Milton Eusonik in Ontario, Canada, during which she agreed to purchase a 1974 Rolls Royce, serial number CRB 16235, for \$45,150.

60. On September 5, 1975, co-conspirator Suzan R. Abbott, using the name "Eva Kai," spoke by telephone to Patrick G. Rio, an employee of the Surrey Limousine Service.

61. On September 6, 1975, ISIAH CRUTCH, the defendant, gave co-conspirator Suzan R. Abbott two counterfeit Bankers Trust Company cashier's checks, one in the amount of \$45,150 payable to Milton Eusonik, and the other in the amount of \$1,292 payable to United States Customs.

62. On September 6, 1975, co-conspirator Suzan R. Abbott sent by messenger service to Patrick G. Rio an envelope containing two counterfeit Bankers Trust Company cashier's checks, one in the amount of \$45,150, and the other in the amount of \$1,292.

63. On September 6, 1975, Patrick G. Rio traveled from New York, New York to the home of Milton Eusonik, 257 Burbank Road, Willowdale, Ontario, Canada.

64. On September 6, 1975, Patrick G. Rio handed Milton Eusonik a counterfeit Bankers Trust Company cashier's check in the amount of \$45,150.

65. On September 6, 1975, Patrick G. Rio drove a 1974 Rolls Royce, serial number CRB 16235, from 257 Burbank Road, Willowdale, Ontario, Canada, to a garage located at 57th Street and Second Avenue, New York, New York.

66. On September 7, 1975, Patrick G. Rio handed an envelope to the building superintendent at 1160 Fifth Avenue, New York, New York.

67. On or about September 7, 1975, ISIAH CRITCH, the defendant, spoke by telephone to co-conspirator Jerold Michael Heitzner and instructed him to pick up an envelope at 1160 Fifth Avenue, New York, New York.

68. On or about September 8, 1975, co-conspirator Jerold Michael Heitzner picked up an envelope at 1160 Fifth Avenue, New York, New York.

69. On or about September 8, 1975, Jerold Michael Heitzner drove a 1974 Rolls Royce, serial number CRB 16235, from a garage located at 57th Street and Second Avenue, New York, New York, to a garage at 60th Street and Fifth Avenue, New York, New York.

70. On November 18, 1975, JOHN DOE, a/k/a "Eli Niccolo," the defendant, visited Michael Kalimian at 500 E. 83rd Street, New York, New York.

71. On November 19, 1975, co-conspirator Suzan R. Abbott gave JOHN DOE, a/k/a "Eli Niccolo," the defendant, a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$7,900.

72. On November 19, 1975, JOHN DOE, a/k/a "Eli Niccolo," the defendant, purchased from Michael Kalimian a 1975 Cadillac, vehicle identification number 6L67SQ423927, with a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$7,900.

73. On December 11, 1975, co-conspirator Suzan R. Abbott, using the name "Elaine Dudley," telephoned the Regency Chauffeur Service, 1414 Metropolitan Avenue, New York, New York and requested the services of a chauffeur.

74. On December 15, 1975, John McClafferty, an employee of the Regency Chauffeur Service, went to a garage located at 300 E. 56th Street, New York, New York.

75. On December 15, 1975, John McClafferty drove a 1975 Cadillac, vehicle identification number 6L67SQ423927, from 300 E. 56th Street, New York, New York to Baltimore Maryland.

76. On December 16, 1975, co-conspirator Susan R. Abbott spoke by telephone from New York, New York to John McClafferty in Baltimore, Maryland.

77. On December 24, 1975, EUGENE CRUTCH, the defendant, handed co-conspirator Lloyd Williams an envelope containing a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$9,850.

78. On December 24, 1975, co-conspirator Lloyd Williams purchased a 1975 Lincoln Mark IV, vehicle identification number 5Y89A860049, from Daniel E. Henderson, 3657 Broadway, New York, New York, with a counterfeit check drawn on the Barclay's Bank of New York in the amount of \$9,850.

79. On December 31, 1975, EUGENE CRUTCH, the defendant, and co-conspirator Lloyd Williams drove in a 1975 Lincoln Mark IV, vehicle identification number 5Y89A860049, from New York, New York to Newark, New Jersey.

(Title 18, United States Code, Section 371.)

SECOND and THIRD COUNTS

The Grand Jury further charges:

On or about the dates hereinafter set forth, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully and knowingly having devised and intending to devise a scheme and artifice to defraud and for obtaining the property of the Security National Rare Coin Company, San Antonio, Texas, by means of false and fraudulent pretenses, representations and promises, did transmit and cause to be transmitted by means of wire and radio communication in interstate commerce, from New York to Texas, signals and sounds for the purpose of executing such scheme and artifice:

COUNT	DATE
2	March 20, 1975
3	March 21, 1975

(Title 18, United States Code, Sections 1343 and 2)

FOURTH COUNT

The Grand Jury further charges:

On or about the 24th day of March, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate commerce, from New York to Texas, a falsely made, forged, and counterfeited security, to wit, a check drawn on the Marine Midland Bank, New York, New York, in the amount of \$25,590.00, payable to the Security National Rare Coin Corporation, knowing the same to be falsely made, forged, and counterfeited.

(Title 18, United States Code, Sections 2314 and 2.)

The Grand Jury further charges:

On or about the 25th day of March, 1975, in the Southern District of New York, ISIAN CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully and knowingly did transport and cause to be transported in interstate commerce, from Texas to New York, goods, wares and merchandise which had been stolen, converted, and taken by fraud, to wit, gold coins having an approximate value of \$18,800, knowing the same to have been stolen, converted, and taken by fraud.

(Title 18, United States Code, Sections 2314 and 2.)

SIXTH COUNT

The Grand Jury further charges:

On or about the 26th day of March, 1975, in the Southern District of New York, ISIAN CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully and knowingly did transport and cause to be transported in interstate commerce, from Texas to New York, goods, wares and merchandise which had been stolen, converted, and taken by fraud, to wit, gold coins having an approximate value of \$6,790, knowing the same to have been stolen, converted, and taken by fraud.

(Title 18, United States Code, Sections 2314 and 2.)

SEVENTH COUNT

The Grand Jury further charges:

On or about the 14th day of April, 1975, in the Southern District of New York, ISIAN CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, having devised and intending to devise a scheme and artifice for obtaining the property of the Continental Coin Company, Minneapolis, Minnesota, by means of false and fraudulent pretenses, representations and promises, did transmit and cause to be transmitted by means of wire and radio communication in interstate commerce, from New York to Minnesota, signals and sounds for the purpose of executing such scheme and artifice.

(Title 18, United States Code, Sections 1343 and 2.)

EIGHTH COUNT

The Grand Jury further charges:

On or about the 24th day of April, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate commerce, from New York to Minnesota, a falsely made, forged, and counterfeited security, to wit, a check drawn on the First National Bank of Chicago, Chicago, Illinois, in the amount of \$65,521.25 payable to the Continental Galleries, knowing the same to be falsely made, forged, and counterfeited.

(Title 18, United States Code, Sections 2314 and 2.)

NINTH COUNT

The Grand Jury further charges:

On or about the 28th day of May, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully and knowingly did transport and cause to be transported in interstate commerce, from New York to New Jersey, a motor vehicle, to wit, a 1973 Mercedes Benz, vehicle identification number 116033-12-009217, knowing the same to have been stolen and taken by fraud.

(Title 18, United States Code, Sections 2312 and 2.)

TENTH COUNT

The Grand Jury further charges:

On or about the 31st day of May, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, having devised and intending to devise a scheme and artifice for obtaining the property of Dionisio Ramon Arenas, Morristown, New Jersey, by means of false and fraudulent pretenses, representations and promises, did transmit and cause to be

transmitted by means of wire and radio communication in interstate commerce, from New York to New Jersey, signals and sounds for the purpose of executing such scheme and artifice.

(Title 18, United States Code, Sections 1343 and 2.)

ELEVENTH COUNT

The Grand Jury further charges:

On or about the 31st day of May, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate commerce, from New York to New Jersey, a falsely made, forged, and counterfeited security, to wit, a check drawn on the Manufacturers Hanover Trust Company, New York, New York, in the amount of \$1,395.00, payable to Ramon Arenas, knowing the same to be falsely made, forged, and counterfeited.

(Title 18, United States Code, Sections 2314 and 2.)

TWELFTH COUNT

The Grand Jury further charges:

On or about the 15th day of June, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, having devised and intending to devise a scheme and artifice for obtaining the property of Samuel Higginbottom, Greenwich, Connecticut, by means of false and fraudulent pretenses, representations and promises, did transmit and cause to be transmitted by means of wire and radio communication in interstate commerce, from New York to Connecticut, signals and sounds for the purpose of executing such scheme and artifice.

(Title 18, United States Code, Sections 1343 and 2.)

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THIRTEENTH COUNT

The Grand Jury further charges:

On or about the 16th day of June, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate commerce, from New York to Connecticut, a falsely made, forged, and counterfeited security, to wit, a check drawn on the Barclay's Bank of New York, New York, New York, in the amount of \$13,500, payable to Samuel Logan Higginbottom, knowing the same to be falsely made, forged, and counterfeited.

(Title 18, United States Code, Sections 2314 and 2.)

FOURTEENTH COUNT

The Grand Jury further charges:

On or about the 25th day of June, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully and knowingly did transport and cause to be transported in interstate commerce, from New York to New Jersey, a motor vehicle, to wit, a 1974 Mercedes Benz, vehicle identification number 10704412019066, knowing the same to have been stolen and taken by fraud.

(Title 18, United States Code, Sections 2312 and 2.)

FIFTEENTH COUNT

The Grand Jury further charges:

On or about the 23rd day of July, 1975, in the Southern District of New York, ISIAH CRUTCH, LEONARD J. CARO, and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate commerce, from New York to New Jersey, a falsely made, forged, and counterfeited security, to wit, a check drawn on the

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Bankers Trust Company, New York, New York, in the amount of \$14,000, payable to Apollo Distributing Company, knowing the same to be falsely made, forged, and counterfeited.

(Title 18, United States Code, Sections 2314 and 2.)

SIXTEENTH COUNT

The Grand Jury further charges:

On or about the 23rd day of July, 1975, in the Southern District of New York, ISIAH CRUTCH, LEONARD J. CARO, and LOUIS BAS, JR., the defendants, unlawfully, wilfully and knowingly did transport and cause to be transported in interstate commerce, from New Jersey to New York, a motor vehicle, to wit, a 1974 Mercedes Benz, vehicle identification number 10704412019518, knowing the same to have been stolen and taken by fraud.

(Title 18, United States Code, Sections 2312 and 2.)

SEVENTEENTH COUNT

The Grand Jury further charges:

In or about August, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate commerce, from New York to Washington, D. C., falsely made, forged, and counterfeited securities, to wit, one hundred checks drawn on the Bankers Trust Company, New York, New York, having an aggregate face value of \$1,750,000, knowing the same to be falsely made, forged, and counterfeited.

(Title 18, United States Code, Sections 2314 and 2.)

EIGHTEENTH COUNT

The Grand Jury further charges:

On or about the 8th day of July, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate commerce, from New

York to Illinois, a falsely made, forged, and counterfeited security, to wit, a check drawn on the People's Trust of New Jersey, Paramus, New Jersey, in the amount of \$12,550, payable to Bernard Kentor, knowing the same to be falsely made, forged, and counterfeited.

(Title 18, United States Code, Sections 2314 and 2.)

NINETEENTH COUNT

The Grand Jury further charges:

On or about the 8th day of July, 1975, in the Southern District of New York, ISIAH CRUTCH, LOUIS BAS, JR., and HEK SOO KIM, the defendants, unlawfully, wilfully, and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate commerce, from New York to Illinois, a falsely made, forged, and counterfeited security, to wit, a check drawn on the Barclay's Bank of New York, New York, New York, in the amount of \$14,607.13, payable to Bette A. Lang, knowing the same to be falsely made, forged, and counterfeited.

(Title 18, United States Code, Sections 2314 and 2.)

TWENTIETH and TWENTY-FIRST COUNTS

The Grand Jury further charges:

On or about the dates hereinafter set forth, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, having devised and intending to devise a scheme and artifice for obtaining the property of the Polaroid Corporation, Paramus, New Jersey, by means of false and fraudulent pretenses, representations and promises, did transmit and cause to be transmitted by means of wire and radio communication in interstate commerce, from New York to New Jersey, signals and sounds for the purpose of executing such scheme and artifice:

COUNT

DATE

20

August 29, 1975

21

September 8, 1975

(Title 18, United States Code, Sections 1343 and 2.)

TWENTY-SECOND and TWENTY-THIRD COUNTS

The Grand Jury further charges:

On or about the dates hereinafter set forth, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully, and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate commerce, from New York to New Jersey, falsely made, forged, and counterfeited securities, to wit, checks drawn on the Barclay's Bank of New York, New York, New York, in the amounts hereinafter set forth, payable to the Polaroid Corporation, knowing the same to be falsely made, forged, and counterfeited:

<u>COUNT</u>	<u>DATE</u>	<u>AMOUNT OF CHECK</u>
22	September 4, 1975	\$33,000
23	September 9, 1975	\$19,800

(Title 18, United States Code, Sections 2314 and 2.)

TWENTY-FOURTH COUNT

The Grand Jury further charges:

On or about the 4th day of September, 1975, in the Southern District of New York, ISIAH CRUTCH, LEONARD J. CARO, and LOUIS BAS, JR., the defendants, unlawfully, wilfully and knowingly did transport and cause to be transported in interstate commerce, from New Jersey to New York, goods, wares and merchandise which had been stolen, converted, and taken by fraud, to wit, two hundred and fifty (250) Polaroid SX-70 cameras having an approximate value of \$33,000, knowing the same to have been stolen, converted, and taken by fraud.

(Title 18, United States Code, Sections 2314 and 2.)

TWENTY-FIFTH COUNT

The Grand Jury further charges:

On or about the 1st day of September, 1975, in the Southern District of New York, ISIAH CRUTCH, LOUIS BAS, JR., and LEE SOO KIM, the defendants, unlawfully, wilfully, and knowingly, having devised and intending to devise a scheme and artifice for obtaining the property of Milton Rusonik, Ontario, Canada, by means of false and fraudulent pretenses, representations and promises, did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, from New York to Ontario, Canada, signals and sounds for the purpose of executing such scheme and artifice.

(Title 18, United States Code, Sections 1343 and 2.)

TWENTY-SIXTH COUNT

The Grand Jury further charges:

On or about the 6th day of September, 1975, in the Southern District of New York, ISIAH CRUTCH and LOUIS BAS, JR., the defendants, unlawfully, wilfully and knowingly, and with unlawful and fraudulent intent, did transport and cause to be transported in interstate and foreign commerce, from New York to Ontario, Canada, a falsely made, forged, and counterfeited security, to wit, a check drawn on the Bankers Trust Company, New York, New York, in the amount of \$45,150, payable to Milton Rusonik, knowing the same to be falsely made, forged, and counterfeited.

(Title 18, United States Code, Sections 2314 and 2.)

TWENTY-SEVENTH COUNT

The Grand Jury further charges:

On or about the 6th day of September, 1975, in the Southern District of New York, ISIAH CRUTCH, LOUIS BAS, JR., and LEE SOO KIM, the defendants, unlawfully, wilfully, and knowingly did transport and cause to be

transported in interstate and foreign commerce, from Ontario, Canada to New York, a motor vehicle, to wit, a 1974 Rolls Royce, serial number CRE 16235, knowing the same to have been stolen and taken by fraud.

(Title 18, United States Code, Sections 2312 and 2.)

TWENTY-EIGHTH COUNT

The Grand Jury further charges:

On or about the 15th day of December, 1975, in the Southern District of New York, ISIAH CRUTCH, LOUIS BAS, JR., and JOHN DOE, a/k/a "Eli Niccolo," the defendants, unlawfully, wilfully and knowingly did transport and cause to be transported in interstate commerce, from New York to Maryland, a motor vehicle, to wit, a 1975 Cadillac, vehicle identification number 6L678Q423927, knowing the same to have been stolen and taken by fraud.

(Title 18, United States Code, Sections 2312 and 2.)

TWENTY-NINTH COUNT

The Grand Jury further charges:

On or about the 31st day of December, 1975, in the Southern District of New York, ISIAH CRUTCH, LOUIS BAS, JR., and EUGENE CRUTCH, the defendants, unlawfully, wilfully and knowingly did transport and cause to be transported in interstate commerce, from New York to New Jersey, a motor vehicle, to wit, a 1975 Lincoln Mark IV, vehicle identification number 5Y89A860049, knowing the same to have been stolen and taken by fraud.

(Title 18, United States Code, Sections 2312 and 2.)

FOREMAN

ROBERT E. FLSKE, JR.
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CRIMINAL DIVISION

3, 1977
SS. D. DOEN

*-----x
UNITED STATES OF AMERICA

-v-

ISIAH CRUTCH,
LOUIS BAS, JR.,
et al

Defendants

: INDICTMENT 77 Cr. 246
: NOTICE OF MOTION
: (RLC)

:

-----x
Please take notice, upon the indictment herein, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this court at the United States District Court For The Southern District Of New York at Foley Square in room 905 to be held on the 10th day of June 1977 at 9 o'clock in the forenoon or as soon thereafter as counsel may be heard for an order for a separate trial as to all counts in the indictment as to the defendant LOUIS BAS, JR. and for such other relief as to the court may seem just and proper.

Dated: June , 1977.

Yours, etc.

Lee R. Miller,
Attorney for Defendant

LEE R. MILLER
Office and P.O. Address
585 West End Ave.
New York, New York 10024
Tel. No. 212-595 2293
Counsel

To: Assistant United States Attorney
Southern District of New York
Jeremy Epstein

(3)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CRIMINAL DIVISION

-----X
UNITED STATES OF AMERICA

v
ISIAH CRUTCH,
LOUIS BAS, JR.,
et al

Defendants
-----X

: INDICTMENT 77Cr. 246

: AFFIDAVIT

STATE OF NEW YORK ss:
COUNTY OF NEW YORK

LEE R. MILLER being duly sworn deposes and says:

That he is the counsel for the defendant LOUIS BAS, JR.
herein.

1. On May 9, 1977, I had a telephone conversation with Leonard Levinson, Esq., counsel for the defendant Isiah Crutch. Mr. Levinson informed me that his client, Crutch, has informed him that the defendant Louis Bas, Jr. had no knowledge of the illegal acts charged in the above indictment and did not conspire with him, aid and abet, or otherwise participate with him in any offense charged in the indictment.

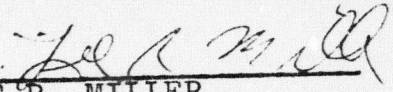
2. During the above mentioned conversation, Mr. Levinson informed me that the defendant Crutch would so testify on behalf of defendant Bas, but that the defendant Crutch would probably not testify at his own trial.

3. If defendant Bas is tried jointly with defendant Crutch, he will be deprived of his right to call said defendant as a witness on his behalf upon the trial of the indictment, as persons in such a position may testify only upon their own request, and movant would have no control over their discretion in that respect.

4. Should said co-defendant Crutch, if tried jointly with movant, elect to testify upon the trial of the indictment, he would have such an interest in the outcome of the case as might influence the jury unfavorably against him in determining the credibility of his testimony; whereas, if movant were tried separately, said defendant, in testifying on behalf of movant, would have a different and less personal interest in the outcome of movant's case, and the jury, in determining his credibility, would not be unduly influenced by his personal interest therein; the interest of a defendant on trial in the outcome of a criminal case necessarily being greater than that of a witness who is not himself on trial.

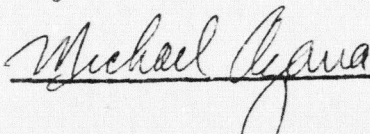
5. The trial of movant jointly with co-indictee Isiah Crutch will prejudice movant in that movant, through counsel of his choice, will not have unrestricted control of the defense of charges against him, as separate counsel for co-indictee Crutch will be entitled to develop evidence and defenses as in their judgement will be in the best interest of their client.

Wherefore, movant prays that as to him the Court grant a severance upon the trial of the captioned indictment so that he will be tried separate and apart from co-indictee Isiah Crutch.


LEE R. MILLER

Attorney for Louis Bas, Jr.

Sworn to before me this
3 day of June, 1977



MICHAEL AZARIA
NOTARY PUBLIC, State of New York
No. 31-0121333
Qualified in New York County
Commission Expires March 30, 1979

Sir: Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,

Attorney for

Office and Post Office Address

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir: Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19

at M.

Dated,

Yours, etc.,

Attorney for

Office and Post Office Address

TP

Attorney(s) for

UNITED STATES
*V.
LOUIS CRUTCH
LOUIS BAS, Jr.,
et al
Defendants

MOTION IN SUPPORT OF SEVERANCE
PURSUANT TO RULE 14 F.R.C.P.

MICROFILM

JUN 23 1977

LEE R. MILLER

Attorney for

LOUIS BAS, Jr.

Office and Post Office Address, Telephone
585 West End Ave
New York, New York 10024
(212) 595-2233

To Asst. U.S. ATTY.

Jeremy Epstein

Attorney(s) for United States

Service of a copy of the within

is hereby admitted.

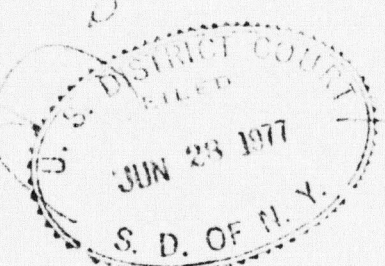
Dated,

Attorney(s) for

June 20, 1977
Motion Denied

So Ordered

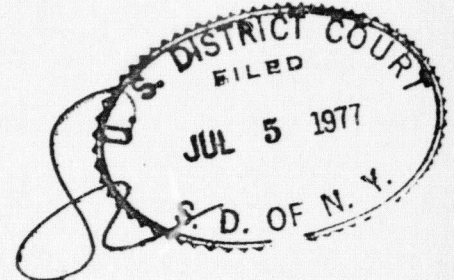
Randy L. Carlo
U.S.D.J.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x

UNITED STATES OF AMERICA :
-v- :
ISIAH CRUTCH :
LOUIS BAS, Jr. :
et al :
Defendants :
-----x

INDICTMENT 77Cr. 246 RLC
AFFIDAVIT



STATE OF NEW YORK ss:
COUNTY OF NEW YORK

ISIAH CRUTCH being duly sworn deposes and says:

That I am a defendant in the above captioned indictment.

That I will be tried on the counts specified in said
indictment and at the trial I will not testify on my own behalf.

That I will testify on behalf of defendant Louis Bas Jr.,
named in the above indictment and waive my Fifth amendment
privelege against self incrimination as to my dealings with Bas.

The testimony that I will offer on behalf of Bas will include
the following:

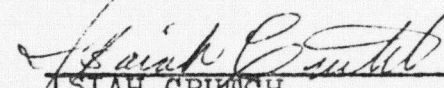
That I never met Bas until approximately the end of 1974 at
which time I entered his printing shop located on Winthrop Street
in Brooklyn New York. At that time, I asked Bas if he could
print checks for me. Bas said that that was his business and
he printed several sets of blank checks for which I paid app-
roximately fifty dollars per set.

On numerous occassions following my initial transaction with

Bas I utilized his services for the printing of blank checks and other material. On these occasions, as on the first, I never spoke of nor intimated to Bas in any way that the blank checks which he printed for me would be utilized in any illegal scheme to defraud. On the contrary, it was my intention and in fact I attempted at all times to appear to Bas as a business man engaged in legitimate pursuits.

At the trial of Bas, I will testify that Bas had neither knowledge of nor a stake in the illegal conspiracy in which I and others were involved in.

I am aware of all of the charges against Bas and am convinced that my testimony will exonerate him of all said charges.


ISIAH CRUTCH

Sworn to before me this
day of June, 1977



NOTARY Public State of NY
2323025
Qualified in Westchester Co.
Comm. Expires on 3/31/79

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But we will then discuss it and I think I'll be able to make a more intelligent assessment of it.

MR. EATON: The immediate problem is the opening statement. Do I take it then that you do not want either of us to mention that alleged similar act at this point?

THE COURT: No, Mr. Epstein. I would not favor your making any reference to any prior similar act, because the prior similar act, as you well know, is not any substantive evidence that he did the crime that you have to prove. So it seems to me that the only thing you are able to put it in for is to show that he did it with intent to do the present act, and therefore I see no need for you to mention it in your opening statement.

MR. EPSTEIN: Fine, your Honor. I had not intended to.

THE COURT: All right.

Is there anything else?

MR. MILLER: Yes, your Honor. My name is Lee Miller. I represent Lou Bas.

THE COURT: I know. I recognize you. I don't think I'll get you mixed up. All right, Mr. Miller.

MR. MILLER: As your Honor will recall, a motion has been made to sever the case of Lou Bas from that of Isiah Crutch. In the motion papers I handed to the Court I

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2 indicated, in an affidavit signed by myself, that Mr. Crutch
3 had informed his attorney Mr. Levinson that he would come
4 forward at a separate trial of Lou Bas and testify in
5 such a manner as would exonerate Mr. Bas.

6 At the time this motion was made, Mr. Epstein
7 put in opposing papers in which he stated that in order
8 for the severance to be granted what would be required
9 is an affidavit from Crutch setting forth more particulars.

10 At that point we were not sure if Mr. Crutch
11 was going to go to trial or not and so no further offering
12 was made. Subsequent to that it was decided that Mr. Crutch
13 would go to trial.

14 On this past Friday you informed me that my motion
15 as it was originally presented had been denied. Your
16 clerk did not have the decision on that prepared at that
17 time, so I still have not seen it.

18 But at this time, this morning --

19 THE COURT: I don't always in some of these
20 motions, Mr. Miller, write my opinions.

21 MR. MILLER: I was under the impression that
22 an opinion had been written and that it wasn't ready.

23 THE COURT: No. It was on another matter. It
24 was on Mr. Levinson's motion.

25 MR. MILLER: In any event, at this time, your

2 Honor, Isiah Crutch this morning has executed an affidavit
3 that I think will meet with the Court's approval, and
4 I would like to hand it up at this time.

5 MR. LEVINSON: Your Honor, Mr. Isiah Crutch
6 signed that document on the understanding that that document
7 would not be used against him at the trial of this
8 matter and that the document is to be submitted to the
9 Court for the sole purpose of this motion, and with that
10 understanding I will consent to have this document handed
11 to the Court.

12 THE COURT: With Mr. Epstein's approval?

13 MR. LEVINSON: Mr. Epstein has made that repre-
14 sentation to me. He did not see it. It has just been
15 executed, and I do not even have a copy.

16 THE COURT: I think Mr. Epstein has to see it.

17 MR. LEVINSON: Before Mr. Epstein reads it,
18 may I have his assurance that it will not be used at the
19 trial?

20 MR. EPSTEIN: Yes, you have.

21 MR. LEVINSON: Thank you.

22 MR. EPSTEIN: Your Honor, it is the government's
23 position that this showing is till insufficient. It
24 is slightly more elaborate than Mr. Miller's initial
25 affidavit, but among its flaws -- first of all, I didn't

2 notice whether it had been notarized. But that aside, Mr.
3 Crutch does not state whether or not he will testify
4 in his own behalf at his own trial. And, of course,
5 if Mr. Crutch testifies in his own behalf at his own trial,
6 there is no need for a severance.

7 In other words, the requirements for a severance
8 are (1) Mr. Crutch would not testify in his own behalf
9 upon his trial and (2) that he would testify in Mr. Bas'
10 behalf and waive his Fifth Amendment privilege. In addition,
11 he has to set forth with some specificity the facts that
12 would exonerate Mr. Bas, and we submit he has done it
13 in the most conclusory fashion.

14 MR. MILLER: As to Mr. Epstein's first objection,
15 I think you can see the affidavit states quite clearly
16 that Mr. Crutch will not take the stand on his own behalf
17 at his trial. And, secondly, I would dispute Mr. Epstein's
18 point that it is conclusory. I think it is quite clear and
19 quite specific and is what is required under Finkelstein.

20 THE COURT: Mr. Epstein, where is this lacking
21 in specificity?

22 MR. EPSTEIN: Excuse me, your Honor. I didn't
23 hear you.

24 THE COURT: Where is this lacking in specificity?
25 It says that he utilized the man's services, that he never

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2 intimated to him that it would be used illegally. He
3 never intimated to Mr. Bas that it would be used illegally,
4 that's what it says, and it is obvious to me, according
5 to your theory, he was the mastermind behind all of it.
6 He certainly ought to know if he was involved.

7 Just tell me where it is not sufficient.

8 MR. EPSTEIN: There are two responses to that.
9 First, it is our understanding that Mr. Crutch dealt with
10 Mr. Bas on many occasions, met him quite frequently over
11 a period of slightly under a year, and had him print
12 a whole variety of checks on a whole variety of banks
13 and under a whole variety of different corporate names.
14 Many of the checks that were printed were bank cashiers'
15 checks.

16 THE COURT: I see.

17 MR. EPSTEIN: And it seems to me that Mr. Crutch
18 has provided no credible explanation of how he could have
19 induced Mr. Bas to print cashiers' checks, which are highly
20 negotiable documents. That is the first thing.

21 THE COURT: In other words, you think that Mr.
22 Bas would have to be naive to the extreme not to be aware
23 that something was amiss.

24 MR. EPSTEIN: That is part of it, your Honor.
25 Also, the quantities in which the checks were printed.

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2 I don't think it is disputed that the quantities of the
3 checks Mr. Bas printed ranged from 5 to 15 checks of a
4 given type. The customary order placed with printers
5 for checks are usually 500 to 1,000, at a minimum.

6 Furthermore, your Honor, another consideration
7 under Finkelstein is the extent to which the exculpatory
8 testimony of the defendant would be vulnerable to impeachment,
9 and as I believe Mr. Miller knows the government will
10 present evidence from Suzan Abbott that after Mr. Crutch
11 went to jail --

12 MR. RICHMAN: Your Honor, I hate to interrupt,
13 but that is four times he has used the name "Mr. Crutch."

14 THE COURT: Mr. Richman --

15 MR. RICHMAN: I have to preserve the record, your
16 Honor. I mean it seriously. Otherwise I must --

17 THE COURT: But, Mr. Richman, he is talking to
18 me, and you know and we all know he is talking about Isiah
19 Crutch.

20 MR. RICHMAN: I know it.

21 THE COURT: He is not talking to the jurors.
22 He is talking to me.

23 All right.

24 MR. EPSTEIN: Your Honor, as I said, the government
25 will prove that after Mr. Isiah Crutch went to jail he

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2 instructed Miss Abbott to deal with the printer. Miss
3 Abbott went to meet Mr. Bas on a couple of occasions, placed
4 orders for checks with him, again in very small quantities,
5 and paid Mr. Bas at the conclusion of this transaction
6 \$500 for printing of approximately 20 checks, which is an
7 amount far in excess of what any legitimate printer
8 would charge for a job of that sort.

9 In addition, Mr. Crutch never mentioned to Miss
10 Abbott that Mr. Bas was unaware of what was going on.
11 Quite to the contrary. He instructed Miss Abbott to say cer-
12 tain things to Mr. Bas which would alert Mr. Bas that she
13 was in on the operation.

14 MR. MILLER: If the Court please, I would like
15 to answer Mr. Epstein's last point first.

16 Every fact that Mr. Epstein has represented to
17 the Court as being a fact insofar as the amount of the
18 checks that were done, insofar as the amount of money
19 that was received are in dispute, and it is only Mr. Crutch
20 that can answer those questions, because he did deal with
21 Mr. Bas on 90 per cent of those occasions. But, in any
22 event, the heart of Bas' defense will be his dealings
23 with Mr. Crutch.

24 Now, it must be understood by the Court that
25 Mr. Bas is a printer by trade, that what he did in this

2 case, and we will prove it, was not that different from
3 what he had done on many other occasions and what was the
4 custom of the trade. And if we do not have Mr. Crutch's
5 testimony, we do not have a defense and the Court will be
6 depriving us of our defense.

7 The understanding between Mr. Crutch and Miss
8 Abbott, which Mr. Epstein also alluded to, also goes
9 to the heart of the defense, and if we cannot give Mr.
10 Crutch's version of what happened between himself and
11 Miss Abbott, we are deprived in another way of a defense.

12 So I think it is quite clear that if we
13 do not have Mr. Crutch's testimony, we are going to be
14 deprived of presenting a defense in this matter.

15 THE COURT: All right. I will have to give
16 it some thought. My problem, as I think you may know,
17 is that you and Mr. Epstein are aware of the evidence
18 that indicates it. I'm not.

19 MR. MILLER: Yes, we are.

20 THE COURT: And so --

21 MR. MILLER: And we have different interpretations
22 of it.

23 THE COURT: Quite frankly, I am persuaded,
24 I must say, that a printer who prints cashiers' checks
25 for someone in various quantities on various banks,

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2 for someone who comes in, I am not persuaded that that
3 is innocent, just on the bare facts. So that it would
4 appear to me that there is going to be a question of
5 credibility and there has to be something else done,
6 but I think the safest thing for me to do, Mr. Miller,
7 is to tentatively deny the motion.

8 As the trial proceeds and I become more familiar
9 with the facts in the case, if it gets to that level,
10 we will talk about it again. It may well be that
11 I will change my mind. But at the present time, on the
12 basis of what has been presented to me, I would find it,
13 frankly, incredible, if a large number of checks were
14 printed on various banks brought to him by one man who
15 offered a printing of cashiers' checks and so forth
16 that Mr. Bas would not have reason to suspect illegality.

17 But, in any event, you haven't lost the battle;
18 I'll have to have some time to get more familiar with the
19 facts, and you may review the motion at that time.

20 Anything further?

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1 Crutch was in jail is an essential and crucial point that
2 we must make in his defense, and if I cannot bring it out
3 in great detail on cross-examination with Miss Abbott, I
4 am going to be deprived of my defense.
5

6 THE COURT: Well, the point about that is we
7 have to deal with that. That issue is dependent upon
8 Mr. Levinson. I will have to deal with it as it arises.

9 I can't handle that in the abstract.

10 MR. MILLER: I think the problem has been raised.

11 THE COURT: The problem has been raised. If
12 Mr. Levinson is going to object, I will have to sustain the
13 objection. That's all I can do.

14 MR. MILLER: Maybe it would be more proper, then,
15 at this point, in light of what is foreseeable, that the
16 severance motion be considered.

17 THE COURT: I know. But that is not going to
18 be allowed. There is no point to that. I appreciate your
19 persistence, but, please. I have denied it. I have denied
20 the motion about four or five times.

21 Mr. Eugene Crutch --

22 MR. RICHMAN: Yes, your Honor.

23 THE COURT: I am addressing you, Mr. Crutch.

24 As you know, Mr. Richman has to leave the room
25 for medication from time to time. I've allowed that and it

1 jgm
2 A Yes, he was asked that question.

3 Q And didn't Mr. Bas say yes, he did?

4 A That's correct.

5 Q And didn't you ask him the name of the bank
6 that he printed the checks for?

7 A I believe he was asked that question by Agent
8 Hughes but he did not remember the name of the bank.

9 Q And did you try to refresh his recollection
10 and ask him if he printed checks on the Barclay's Bank?

11 A Barclay's Bank was mentioned, yes.

12 Q And didn't Mr. Bas respond, "Oh, yes, that
13 rings a bell"?

14 A I don't remember.

15 Q Mr. Bas did admit immediately that he did recall
16 printing bank checks for Mr. McPherson, is that correct?

17 A Yes, that's correct.

18 Q Do you recall, did Mr. Bas tell you how he
19 referred to Mr. McPherson, what he called him?

20 A I don't remember that, no.

21 Q Did he say that he always called him Mac?

22 A I don't remember that.

23 Q Concerning Government Exhibit 128, the stationery
24 or order pad of Louis Printing, where you marked off the
25 initial on the top right-hand corner where it states

"MICR check in coding" --

A Yes.

Q -- what did Mr. Bas tell you about that?

A That he did that in the normal course, that he did check-printing in the normal course of his business, and that was the advertising on his billhead for that purpose.

Q Did he also tell you that at one point a few years ago he had advertised in the Yellow Pages, that he advertised the fact that he was able to provide check-printing services?

A I seem to remember that he mentioned the Yellow Pages, yes.

Q Mr. Abbatiello, concerning Government's Exhibit 129, the Toyomenka checks, one drawn on Chemical Bank -- let me be sure there are two here. Did you only take one exhibit of the check on Toyomenka?

A That's correct. It is a three-page --

Q Did Mr. Bas tell you that he had for the same Toyomenka account printed checks for them on three different banks?

A I don't remember that.

Q Do you remember if he told you that as part of this work that he did for S&R Litho, that there were also checks drawn on Chemical Bank for Toyomenka?

2 THE COURT: Didn't we discuss that yesterday?

3 MR. EPSTEIN: No, we didn't.

4 THE COURT: All right. I will hear you.

5 (At the side bar.)

6 MR. LEVINSON: I was wondering if we could have
7 an offer of proof from Mr. Epstein.

8 MR. EPSTEIN: All I am trying to elicit, your
9 Honor, is that Miss Abbott needed money for legal fees.
10 She discussed this with Mr. Crutch and that is when he told
11 her about the printer for the first time, and as a result
12 of that she contacted the printer. That is all I was trying
13 to elicit.

14 MR. LEVINSON: I have no objection if that is all.

15 (In open court.)

16 Q Miss Abbott, in February of 1976 did you have any
17 conversations with Isiah Crutch about legal fees?

18 A Yes. There were --

19 Q Tell us about that?

20 A There were surmounting problems. First of all,
21 I had the state charges that were against me and now I
22 was getting a federal indictment against me. And I had no
23 legal fees, I had no money. I could hardly pay rent.

24 I knew I needed good counsel and I had -- Ike was
25 the only one that could help me at this time.

1 Q Did you have any conversations with him about rais-
2 ing money?
3

4 ✓ A Ike made the decision at that time, because we
5 had -- I had been totally unsuccessful in raising any
6 amount of money, I had made maybe \$1,000 in the amount of
7 two or three months, and he was very concerned about the
8 fact that I would be arrested and then -- and he had
9 outstanding legal fees still to be paid and I would have
10 additional --

11 ✓ MR. LEVINSON: Your Honor, I would ask that that
12 be stricken.

13 ✓ THE COURT: All right. I think what you better do,
14 Miss Abbott, is to -- you were asked about conversations
15 which you had with him, and I think you better tell us
16 what you remember and report the conversation that you had.

17 ✓ THE WITNESS: So anyway Ike made the decision
18 at that time to reveal the printer's name to help me.

19 Q Had he ever told you who the printer was before
20 that time?

21 A No, he didn't.

22 Q Can you tell us about that conversation, Miss
23 Abbott?

24 A He told me who the printer was and that if the
25 printer knew that I was from Ike that I was sent by Ike

2 said that Lou was right down the street. So I walked down
3 the street and there was a large sign, "Lou's Printing
4 Shop," and with his telephone number on it and the next
5 day I called Lou.

6 Q You didn't enter the shop at that time?

7 A No.

8 Q And Mr. Crutch hadn't given you the telephone
9 number?

10 A No.

11 Q Continue, Miss Abbott, please.

12 A I called Lou and told him -- I think I told him
13 my name as Anne, because it was common practice that
14 no one knew each other's name, and that I was Ike's woman,
15 and that Ike was in trouble and could he help us.

16 And he said, of course, that he would, and so we
17 set up an appointment to meet and I went to Lou's shop.

18 Q What happened when you entered the shop, Miss
19 Abbott?

20 A We sat down and we had --

21 Q First of all, who was in the shop?

22 A Only Lou.

23 Q And do you see him in the courtroom?

24 A Yes. The man in the brown jacket. Yellow shirt.

25 MR. EPSTEIN: May the record reflect the

1
2 identification.

3 THE COURT: All right.

4 Q Was anyone else present?

5 A No.

6 Q Continue, please.

7 A And to establish the fact that I had been with
8 Ike, we just discussed the past events of the year, such
9 as the fiasco of the Continental Coin Company --

10 Q What did you discuss in particular, what did
11 you describe as a fiasco?

12 ✓ A The day that Ike went to Lou and was in such
13 a big rush to get the letterhead and the check and
14 everything made out, the day that Jerry --

15 ✓ MR. LEVINSON: I object to all of this testimony
16 unless Miss Abbott was present, or I'd like to know the
17 basis for --

18 ✓ THE COURT: My assumption, if I am incorrect
19 I will uphold your objection, but my assumption is that
20 she is relating conversations that she had with Mr. Bas.
21 Is that correct?

22 ✓ THE WITNESS: That is correct, your Honor.

23 ✓ THE COURT: All right. The objection is overruled.

24 ✓ Q Tell us about that, Miss Abbott, please, about
25 the discussion concerning the Minneapolis Coin Company.

2 A And how Ike was very positive in every trans-
3 action that had gone down, he was a very confident person
4 and that he was sure that everything was going to be
5 all right.

6 It was mostly our conversation about Ike.

7 Q Did you recall discussing any transactions other
8 than the Minneapolis coin transaction?

9 X MR. LEVINSON: I object again on the grounds
10 that, number one, this was not in furtherance of the
11 conspiracy. Number two, by this time Mr. Crutch had
12 left --

13 X THE COURT: Your objection is overruled.

14 It certainly is. That is no basis for the ob-
15 jection. Sit down, Mr. Levinson. The objection is
16 overruled.

17 Y MR. LEVINSON: Also, my client had left the con-
18 spiracy at this point.

19 Y THE COURT: Sit down, Mr. Levinson. I've over-
20 ruled your objection.

21 A Yes, we talked -- we also -- to the best of my
22 recollection, I believe we talked about the different
23 checks, the ones that had worked, the ones that didn't work.

24 (Continued on the next page.)
25

Q Miss Abbott, at this time did you ask Mr. Bas to do anything?

✓ THE COURT: What is the question?

✓ MR. EPSTEIN: Did she ask Mr. Bas to do anything.

A Yes, I did.

I had in my possession Xerox copies of some personal checks -- of a personal check from a bank -- I can't remember -- Midland? I can't remember the bank.

Q Was it Morgan Guaranty?

A Morgan Guaranty, yes.

Q Miss Abbott, you say those were Xerox copies?

A Yes.

Q How had you received them?

A Through an acquaintance by the name of Steve.

Q What did you do with --

✓ MR. MILLER: Can we get an indication of how many checks she is talking about?

✓ THE WITNESS: I had in my possession one Xerox copy of a check.

Q Do you recall the account name, Miss Abbott, on the check?

A: Yes, I believe it was Catherine Maristers -- Marstairs.

Q Miss Abbott, what did you do with the check?

1 bsm

Abbott - direct

2 A I gave it to Lou, asked him if he could dupli-
3 cate it and he said it would take him a couple of days and
4 to call him and he would have it ready; to check with him.]

5 Q Did there come a time when you did call Lou?

6 A Yes.

7 Q Tell us about that, please.

8 A We arranged a meeting in the city. He said they
9 were ready.

10 There was some problem. We had had a telephone
11 communication within those two days because the copies were
12 poor.

13 Q What do you mean by the copies?

14 A The Xerox copy. That was poor.

15 I had five, I believe five, other copies in my
16 possession. I think, to the best of my recollection, I
17 believe I only took one out to Lou because it was the only
18 one that had any money in the account.

19 I don't think that Lou saw any other but that
20 one check.

21 Anyway, there were some problems with duplicating
22 the check and he had called me on five different occasions
23 and we had discussed these problems, and then within a
24 couple of days the job was complete and we arranged to meet
25 in the city at an Italian restaurant. And at that time Lou

1 bsm

Abbott - direct

2 gave me -- I believe, to the best of my recollection, this
3 was the time that Lou gave me the checks of Catherine
4 Marstairs', name printed on the top and they looked like good
5 checks.

6 Q How many did he give you?

7 A A packet. I don't remember counting them, but
8 it was a sizeable amount. Just about, you know, about 20,
9 25 checks.

10 Q When you say "sizeable," do you mean 20 or 200?

11 A 20, 25 checks.

12 Q Did you pay him anything at that time?

13 A No.

14 Q Did you receive any invoice for this order?

15 A No.

16 Q Did you receive any papers at all from Lou?

17 A No, not at all.

18 Q After you received these checks, Miss Abbott,
19 what, if anything, did you do?

20 A I called the bank and inquired --

21 Q By the bank, you mean which bank?

22 A Morgan Guaranty. To find out if I could purchase
23 English pounds, and how much did they have on hand. And I
24 believe I made a purchase in the amount of 3,000 pounds,
25 which is equivalent to about \$6,000 American money.

Q How was the purchase made?

A We used a limousine service --

Q Miss Abbott, by "we" whom are you referring to?

A I had been in communication with Mr. Crutch --

Q Mr. Crutch, you mean who?

A Isiah Crutch. And he told me exactly what to do.

It had been -- we had done this before, and he told me to follow exactly the same plan as we had done before.

I used two other helpers at the time, Gene and Mickey. I called the limousine service --

THE COURT: When you say Gene --

THE WITNESS: Not Eugene Crutch.

THE COURT: Not Eugene Crutch?

THE WITNESS: No. I called the limousine service and called the bank. The limousine service was met by Gene, not Eugene Crutch, and he took the -- he met the limousine, gave the limousine the check -- the limousine driver the check, the driver went to the bank, picked up the currency, returned to his limousine, returned to the hotel, gave Gene, not Eugene Crutch, the currency and Mickey watched the whole time and they were calling me by telephone during this whole transaction.

After they had received the currency, then we all met at the Plaza Hotel and returned to the -- to 67 East

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Abbott - direct

251

11th Street.

At that time I told him I had to speak with Ike
on how to break down the money --

Q Who was in possession of the money at that time?

A I was in possession of the money at that time.

Q Did you have such conversation?

A Pardon me?

Q Did you have such a conversation with Mr. Cruton?

A Yes, I did. That evening.

Q By telephone?

A No, I went to see him personally.

Q And what did he tell you about dividing of the
money?

A He wrote it down specifically what I was to do
with the money. It was -- it was 20 per cent to be set
aside for lawyer fees, there was \$500 to be set aside for
Lou the printer, and there was 20 per cent to be given to
Gene and 5 per cent to be given to Mickey.

Q Did Mr. Heitzner get any money?

A He wasn't involved with this at all.

Q Miss Abbott, did there come a time when you gave
Lou the money?

A Yes, I did. I believe it was that night.

Q Can you tell us about that meeting, please?

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Abbott - direct

bsm6

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2 A It was very simple. Again I met -- I believe
3 it was at that same Italian restaurant, he was outside the
4 restaurant, I met him. We went to his car. I gave him the
5 \$500 and then we went to dinner.

6 Q How did you pay him?

7 A In cash.

8 Q Did he give you a receipt?

9 A No.

10 Q Do you recall any conversation at dinner?

11 A All our conversation was always about Ike and
12 the trouble he was in and whatever; it was always about Ike.

13 Q Miss Abbott, I now would like to go back, if I
14 may, to December of 1975.

15 Did you have a conversation with Eugene Crutch
16 at that time?

17 A I had several conversations with Mr. Eugene
18 Crutch.

19 Q Did you have a conversation with him about a
20 Continental?

21 A Oh, yes.

22 Q Can you tell us about that, please?

23 A Eugene came to the house --

24 Q By the house, where do you mean?

25 A 67 East 11th Street -- and asked me if I had a

1 jgm

Abbott - cross

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2 CROSS-EXAMINATION CONTINUED

3 BY MR. MILLER:

4 Q Miss Abbott, I direct your attention to January
5 1976. At that time were you desperate for money for legal
6 fees?

7 A Not at that time.

8 Q Not at that time.

9 A No.

10 Q Miss Abbott, on January 28, 1976 weren't you
11 called before the Grand Jury in connection with the investi-
12 gation that you were ultimately charged with, the crimes
13 that you were ultimately charged with?

14 A I would need a refresher on the exact date. I
15 don't remember exactly that particular date.

16 MR. MILLER: Mr. Epstein, would you stipulate
17 that Miss Abbott was called before the Grand Jury on January
18 28, 1976?

19 MR. EPSTEIN: Certainly.

20 MR. MILLER: And informed that she was the target
21 of the investigation?

22 MR. EPSTEIN: Your Honor, I would resent being
23 asked to stipulate to a series of things by Mr. Miller.

24 THE COURT: I beg your pardon?

25 MR. EPSTEIN: I don't want to be asked to

1 jgm

Abbott - cross

410

2 stipulate to a series of prior statements that I made by
3 Mr. Miller.

4 THE COURT: You stipulate that she was brought
5 before the Grand Jury on the 28th of January?

6 MR. EPSTEIN: Correct. I just have.

7 THE COURT: All right.

8 Q On January 28th, when you appeared before the
9 Grand Jury, did Mr. Epstein state to you, "Now" --

10 MR. EPSTEIN: I object. That is hearsay.

11 THE COURT: I don't understand. Obviously you
12 can't bring that up.

13 MR. MILLER: All right.

14 Q Do you recall if Mr. Epstein told you at that
15 Grand Jury appearance that you were the target --

16 MR. EPSTEIN: Objection.

17 THE COURT: The objection is sustained.

18 Q Did Mr. Epstein tell you you were the target --

19 MR. EPSTEIN: Objection.

20 THE COURT: The objection is sustained.

21 Q Miss Abbott, were you ever advised that you were
22 the target of the Grand Jury investigation?

23 MR. EPSTEIN: Your Honor, I object to this.

24 THE COURT: Mr. Miller, the objection has been
25 sustained by me twice. 57

jgm

MR. MILLER: I'm not sure of the --

THE COURT: The objection has been sustained by me twice, which means that I regard it as improper. You realize that I regard it as improper, and that is an indication to you that you shouldn't persist in it.

Q Around the end of January 1975, did you dismiss your lawyer, Mr. Leonard Eisenberg?

A Yes, I did.

Q And at that same time did you have conversations with Mr. Ivan Fisher insofar as whether or not he would represent you?

A Yes, I did.

Q And did you have to raise money to pay Mr. Fisher's fee?

A Yes, I did.

Q Now, was it about this same time that Isiah Crutch revealed to you who the printer was?

A Close to that time, yes.

Q The first time that you went to see the printer Lou Bas, did you tell him that you were the subject of an investigation connected with fraudulent check deals that were produced by Lou Bas?

A I don't believe so.

Q But you did know at that time that there was an

1 jgm

Abbott - cross

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2 investigation going on and that you were the subject of it,
3 is that correct?

4 A Could you please repeat that question so I can
5 answer correctly?

6 Q Did you know that you were the subject of an
7 investigation concerning the illegal activities stemming
8 from checks that were printed by Mr. Bas, before you went
9 to see him?

10 A Yes, I did.

11 Q Did you tell Mr. Bas that you were the subject
12 of that investigation?

13 A I don't remember if I did. I might have. I
14 don't recall.

15 Q Is your answer you don't remember if you did?

16 A I don't remember if I did, Mr. Miller, no.

17 Q Well, did Mr. Bas at that first meeting act very
18 nervous?

19 MR. EPSTEIN: Objection.

20 THE COURT: Sustained.

21 Q Did Mr. Bas ask you what he should do in case he
22 were questioned?

23 A Yes, Mr. Miller.

24 Q Did Mr. Bas make any comments that he may be
25 worried about his wife and children if he had gotten caught

in this investigation?

A We spoke about his wife and his children. I had knowledge of the fact that his son was going to college and he had a wife, but I don't remember if it was in relation to an investigation.

THE COURT: Can the jury hear the witness?

All right.

Q Did Mr. Bas say anything to you to the effect that because he was a target of the investigation he was afraid that he would lose business if he went to jail?

A I don't think we dwelt on the subject of the investigation. That wasn't our conversation.

Q Didn't you think that it was incumbent on you to tell Mr. Bas that the investigation was going on, that he may be in trouble?

MR. EPSTEIN: Objection.

THE COURT: Sustained.

Q Miss Abbott, isn't it a fact that you tried to hide the fact that you were under investigation from Mr. Bas because you were afraid that if you told him he would not print the checks that you asked him for?

A No, not true.

Q You thought that he would print the checks for you anyway?

2 A There was no thought in my mind of ever coopera-
3 ting at this point. There was no thought in my mind that
4 Mr. Bas would be found out. There was no real thought in
5 my mind that I would even be actually indicted.

6 Q There was no thought in your mind that you would
7 be indicted?

8 A I mean that I would be arrested.

9 Q Even though you were before the Grand Jury and
10 apprised of the fact that you were the target?

11 MR. EPSTEIN: Your Honor, I object to that state-
12 ment.

13 THE COURT: Mr. Miller, one more time. That is
14 close to contumacious conduct. I'm sorry that you disagree
15 with my rulings, and you have every right to do that, but
16 unfortunately you are required to follow them and I am
17 insisting that you follow them.

18 Q Did you say that you spoke to Mr. Fisher in
19 connection with the possibility of retaining him in this
20 matter?

21 A Yes, I did.

22 Q But you were not afraid that you were going to
23 be arrested or indicted?

24 A There was a fear, there was an understanding of
25 what was going on. So, naturally, there was a fear.

1 jgm

Abbott - cross

415

2 Q But didn't you just say that you didn't think
3 you were going to be arrested or indicted?

4 A I didn't say hat I was not going to be indicted.
5 I have to correct myself. I said that I hoped I would not
6 be actually arrested and imprisoned.

7 Q Miss Abbott, do you recall on December 21, 1976
8 being interviewed by Mr. Epstein and some FBI agents?

9 A Pardon me?

10 Q Do you recall, on December 21, 1976, being inter-
11 viewed by Mr. Epstein and some FBI agents?

12 A Yes.

13 Q And didn't you tell them during this interview
14 that you would not be able to go to the printer at that time
15 because the printer is aware that you had been arrested and
16 is aware that an investigation is taking place?

17 A I believe yesterday we went through this and I
18 did concede that I had made similar statements to that
19 effect, yes.

20 Q The jury was not here when I asked you those
21 questions yesterday, so I am going to ask you them now.

22 A All right.

23 THE COURT: What is that date again, please?

24 MR. MILLER: Pardon?

THE COURT: December 19th?

1 jgm

Abbott - cross

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2 MR. MILLER: December 12, 1976.

3 MR. EPSTEIN: December 21, you mean.

4 Q When you were interviewed, didn't you say to the
5 FBI agents that you couldn't go to the printer at this time
6 because the printer is aware that you had been arrested and
7 is aware that an investigation is taking place?

8 A Well, I had been in communication with Mr. Crutch
9 and he knew --

10 MR. MILLER: I think the question calls for a
11 yes or no, your Honor.

12 THE COURT: I think it does, too.

13 THE WITNESS: Could you repeat the question?

14 THE COURT: Did you make the statements, which
15 he just read, on an interview to the FBI agents and to Mr.
16 Epstein -- I think that is the question -- on December 21,
17 1976 to the effect that you couldn't go to the printer
18 because he was aware that you had been arrested and you were
19 under investigation?

20 Is that the question?

21 MR. MILLER: Yes.

22 THE WITNESS: Yes.

23 Q How did you know at that time that the printer
24 was aware of the investigation?

1 jgm

Abbott - cross

417

2 Mr. Crutch's knowledge of my cooperation.

3 Q Could you repeat that, please?

4 A It was only an assumption. It was only an
5 assumption on my part because of Mr. Crutch's knowledge of
6 my cooperation.

7 Q And you assumed that because Mr. Crutch knew
8 about your cooperation that Mr. Bas knew what was going on?
9

A Yes.

10 Q But you didn't know that Mr. Bas knew what was
11 going on as a result of your conversations with Mr. Bas,
12 is that correct?

13 A One more time, please. I didn't understand you.

14 Q You say that you assumed that Mr. Bas knew what
15 was going on because you had conversations with Mr. Crutch?
16

A Yes.

17 Q You did not make that assumption as a result of
18 any conversations that you had with Mr. Bas, is that correct?
19

A No. That's true.

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21 (Continued on next page.)
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Abbott-cross

Q Miss Abbott, did you testify yesterday that at this first meeting with Mr. Bas you discussed one coin deal with him?

A There was a discussion of that, yes.

Q But you couldn't remember other deals that may have been discussed at that time, is that correct?

A Not to my exact memory, no.

Q You also, I believe, said that you couldn't remember exactly what was said, is that correct?

A Correct.

Q Now, Miss Abbott, if a third party, who knew nothing about what had transpired previously, had overheard the conversation between yourself and Mr. Bas concerning the coin deal, what would he have heard that would have indicated to him that something illegal had happened?

MR. EPSTEIN: Objection.

THE COURT: You may answer.

A In regards to the coin dealer, is that it, or the whole conversation?

Q You only remembered one coin deal, you stated. Now, as to that one coin deal that was discussed with Mr. Bas, if a third party, who had no idea what had gone on in the past, had overheard this conversation, what would he have heard that would indicate to him that something

Abbott-cross

jgrf 2

illegal had happened?

A That checks were prepared in a matter of hours.

Q That checks were prepared in a matter of hours?
That would indicate that something was illegal?

A I can only hypothetically answer. I don't know.

Q What else would he have overheard that would
indicate to him that something illegal had happened?

A I really don't know.

Q Miss Abbott, I believe that you said that Mr.
Bas would not print checks for anyone else other than
Mr. Crutch, is that correct?

A This is my understanding, yes.

Q Didn't you also testify yesterday that Mr. Crutch
told you that the first time he had Mr. Bas print checks
for him he just walked in off the street to his shop, that he
had never met him before?

A No.

Q You didn't say that?

A No. I said that Mr. Bas told me how the
relationship had begun and the trust that had begun with
Mr. Crutch and Mr. Bas, and that Isaiah Crutch had just
walked in off the street and had asked him to do, I believe,
legal things, perhaps calling cards, or I don't know
exactly what, but --

1 jgrf 3

Abbott-cross

2 Q Do you know if they were checks?

3 A I don't know if they were checks at this time;
4 and that later on, as the relationship developed, there
5 were certain things that Mr. Crutch asked him to do and
6 Lou understood and it was automatically done.

7 Q , On the first time that you visited Mr. Bas, how
8 many sets of checks did you ask him to make for you?

9 A To the best of my recollection, I remember asking
10 him only to make one batch at that time.

11 Q Are you certain it wasn't six?

12 A Not the first time. I don't think so.

13 Q Are you certain it wasn't six?

14 THE COURT: Six checks or six batches?

15 Q (Continuing) Six sets of checks.

16 A Later I went back to Mr. Bas and he did make me
17 other sets of checks. But I believe the first time it
18 was only one.

19 Q How many times did you meet with Mr. Bas altogether?

20 A Four or five times.

21 Q Are you sure it wasn't seven times?

22 A It could have been.

23 Q Well, how many times did you meet with him in his
24 shop?

25 A I believe it was around three times.

1 jgrf 4

Abbott-cross

2 Q And how many times did you meet him outside the
3 shop?

4 A To pick up, about three times.

5 Q So it is possible that you could have met with
6 him seven times?

7 A Yes, I could have.

8 Q During the second meeting with Mr. Bas?

9 A Yes.

10 Q Where did that take place?

11 A I believe that it was the time that he had
12 completed the Catherine Marstairs checks and we met at an
13 Italian restaurant about two blocks away from my home.

14 Q This was at an Italian restaurant, the second time
15 you met?

16 A Yes.

17 Q Are you certain you didn't go to his shop the
18 second time to pick the checks up?

19 A No, I'm not certain. I possibly could have. No,
20 I didn't go -- no, I don't believe I went to-- n , I did
21 not go to his shop to pick up the checks. I don't think
22 I did.

23 Q Didn't you also actually go to his shop a third
24 time?

25 A I believe I stated that I did go to his shop

1 jgrf 5

Abbott-cross

2 three times.

3 Q What was the purpose of your going to the shop
4 the other two times?

5 A I had had conversations with Mr. Crutch
6 and he had -- since I had established myself as -- that
7 Mr. Crutch had sent me to him to make blank checks of
8 another nature that he wanted to use later, in the future.

9 Q Let's go back to the second meeting.
10 You say you believe that took place in a
11 restaurant?

12 A This is when I was to pick up the checks that he
13 had made of Catherine Marstairs, yes.

14 Q And did you have a conversation with Mr. Bas
15 during that second meeting?

16 A We had conversations.

17 Q Do you recall the nature of that conversation?

18 A He told me, you know, of the difficulties that
19 had happened, how we could avoid them.

20 Q These difficulties that you are referring to,
21 wasn't he talking about the difficulties of having to do
22 a rush job and having to do the work so fast and how
23 it was disrupting his business?

24 A No.

25 Q Didn't he tell you that if you had to have these

1 jgrf 6

Abbott-cross

2 jobs in such a rush, basically he would have to charge you
3 about \$10 or \$15 more per job?

4 A No.

5 Q Did you have any discussions about any other
6 illegal activities during the second meeting?

7 A No.

8 Q And to the best of your recollection, where did
9 you have a third meeting with Mr. Bas?

10 A I believe in his shop.

11 Q Do you recall what was discussed at that time?

12 A Well, it was at this time, I believe, that I had
13 talked to him about making the other checks that Ike had
14 asked me to instruct him to make.

15 Q In other words, you gave him another order.

16 A Yes.

17 Q And was there any other discussion other than
18 your ordering checks?

19 A To the best of my recollection, no.

20 Q Now, there was a fourth meeting. Where did this
21 fourth meeting take place?

22 A After he had made those checks, I believe I went--
23 I returned to the shop again to pick them up.

24 Q And during this visit to the shop, did you have
25 any conversations with Mr. Bas?

1 jgrf 7

Abbott-cross

2 A Yes. We spoke about the checks.

3 Q What did you say about the checks?

4 A I can't remember exactly. We just went over them:
5 would they be right, you know, what to use. I can't
6 remember exactly. I really don't.

7 Q Then there was a fifth meeting with Mr. Bas.
8 Where did that take place?

9 A Sometime in the interim I paid Mr. Bas \$500 for
10 the checks -- for the money that I had acquired on the
11 Catherine Marstairs account.

12 Q So there was another meeting, where you paid him
13 the money, is that correct?

14 A Yes, at the Italian restaurant again.

15 Q And did you have a discussion with Mr. Bas during
16 this meeting?

17 A That was more or less just a social meeting. We
18 talked about his family, how was Ike, how was I.

19 Q When he asked you how you were, did you tell him
20 that you were being hassled?

21 A I don't remember. It wasn't a subject I dwelt
22 on.

23 Q Now, there was a sixth meeting. Where did that
24 take place?

25 A I don't remember. I remember there were times

1 jgrf 8 Abbott-cross

2 that I met him. I don't remember --

3 Q Do you remember what the conversation was during
4 that meeting?

5 A It was usually -- most of our conversations were
6 about Ike, about the business of the checks.

7 Q Do you recall if there was a seventh meeting?

8 A I believe one time we had to get together because
9 there was a misunderstanding on the checks and they had
10 been printed wrong, and so he had to correct them.
11 And so we had to meet again back and forth.

12 Q And would this have been the seventh meeting?

13 A It could have been.

14 Q Do you recall what conversations, if any, you
15 had with Mr. Bas at that time?

16 A I really don't remember exactly what they were
17 about.

18 Q During all of these conversations with Mr. Bas,
19 did you ever discuss with him the possibility of entering
20 into any kind of illegal scheme with him?

21 A Yes, I did.

22 Q What was that?

23 A Well, we were already involved in an illegal
24 scheme.

25 Q I'm not talking about checks now. I'm talking

1 jgrf 9

Abbott-cross

2 about was there any other area of illegality that you
3 attempted to get Mr. Bas to join you in?

4 A Well, Mr. Bas had showed me a piece of money that
5 he had duplicated.

6 Q And how was that duplicated?

7 A I don't know. I'm not a duplicator.

8 Q What state was it in? What color was the paper?

9 A I don't remember. It looked just like a dollar
10 bill. I don't remember.

11 Q A dollar bill?

12 A A piece of paper. It could have been a \$20
13 bill. I don't remember.

14 Q Was it blank on one side and the picture of
15 a bill on the other?

16 A I don't remember. I remember that the exposure,
17 that the imprint -- I do remember the imprint on the
18 face of one side of the sheet was very good. That's
19 really all I remember about it.

20 Q When you say "very good," what do you mean by
21 that?

22 A What does "very good" mean, Mr. Miller? It
23 means that it was very good. It looked like money.

24 Q Did it look like real money?

25 A Except for the paper, yes.

1 jgrf 10

Abbott-cross

2 Q Wasn't it in black ink?

3 A No.

4 Q It was not in black ink?

5 A Not to my recollection. It could have been.

6 Q And do you recall whether or not the other side
7 of the paper was white?

8 A I don't recall.

9 Q During one of your meetings with Mr. Bas did you
10 ask him to meet you and bring that souvenir, what he called
11 a souvenir, with him?

12 A No. To the best of my recollection, I don't
13 remember --

14 Q Did you ever tell Mr. Bas that you thought that
15 you could get somebody who could get the paper so that
16 counterfeit \$20 bills could be printed?

17 A No.

18 Q You never told him that?

19 A To the best of my knowledge, no. We had discussed
20 the paper and it was something that he had wanted to do
21 and it intrigued me, but I never made any promises to him.
22 I didn't know anybody who could get any paper.

23 Q Did you ask him to please give you those, the
24 copy that he had?

25 A No.

1 jgrf 11

Abbott-cross

2 Q You did not.

3 A No.

4 Q During the time that Mr. Crutch had been in jail
5 for a short time and you had taken over the business, did
6 there come a time when you were shorthanded for help?

7 A Yes.

8 Q And during this time did you have a discussion
9 about putting an ad in the newspapers to get somebody
10 to help you?

11 A Yes, I discussed that with Mr. Crutch.

12 Q Could you explain to us what this ad was going
13 to say?

14 MR. LEVINSON: I object, your Honor.

15 THE COURT: Mr. Miller, I don't really see where
16 that is relevant. In view of the objection, I will sustain
17 the objection.

18 MR. MILLER: I will withdraw it.

19 (Continued on the next page.)

20

21

22

23

24

25

BY MR. MILLER:

Q Was it your plan to put an ad in the newspaper to hire somebody to come to work for you?

A It was never my plan, Mr. Miller.

Q Was it discussed, that possibility?

A That was discussed, yes.

Q And was this person going to be told of the illegal nature of your business?

A No.

Q He was not?

A That is correct. It was Mr. Crutch's idea.

MR. LEVINSON: Your Honor, I object to that as being nonresponsive. I ask that the last remark be stricken. It is totally nonresponsive to the question.

THE COURT: Overruled.

Q If I understand you correctly, are you saying that the possibility was discussed that somebody was going to be hired from an ad in the newspapers to do the illegal work but that he would be prevented from knowing just really what was going on?

A That is correct.

Q Miss Abbott, do you recall your appearance before a grand jury on February 24, 1977?

A I recall going before a grand jury, yes.

1 Q At that time were you asked the question, "Were
2 there other women --"

3 THE COURT: Page.

4 MR. MILLER: ML-4.

5 Q Were you asked the question, "Were there other
6 women who Mr. Crutch used from time to time to cash
7 checks or open accounts?"

8 A Yes.

9 THE COURT: What has that to do with this? Why
10 are you reading that?

11 Q Were you asked that question?

12 THE COURT: Ask a question here.

13 MR. MILLER: It is her response at the time that
14 I would like to bring out.

15 THE COURT: The point is -- what I don't under-
16 stand, Mr. Miller, you are talking about something that
17 as far as I know has no reference to what she has testified
18 to here.

19 You are not able to bring out hearsay in terms
20 of other than an inconsistency.

21 MR. MILLER: I will connect the inconsistency
22 in a moment.

23 THE COURT: I'm sorry. You are talking about
24 something entirely different, then you mentioned something
25

1 that I haven't heard before, testimony about some women.
2 It certainly has nothing to do with the testimony here.

3 Q Did you try to protect other women who were
4 involved in the operation when you were first asked who
5 they were?
6

7 A At what time?

8 Q When you were questioned before the grand jury?

9 MR. EPSTEIN: Could I have the page reference
10 again, please?

11 MR. MILLER: ML-4.

12 MR. EPSTEIN: What part of the page?

13 MR. MILLER: Middle of the page.

14 A No, I don't think so, because everyone had been
15 arrested. There was no sense in protecting something that
16 had already been revealed.

17 Q Didn't you say, "Yes, I believe so, who they are
18 I don't know"?

19 A I didn't know everybody.

20 Q The next question Mr. Epstein asked you, "Was
21 Barbara Chisholm involved?"

22 What did you say?

23 A Yes, she was.

24 Q The next question was, "Was Gail Dawn Johnson
25 involved?"

1 What did you say?

2 A I believe I said yes, she was.

3 Q And shortly after that you were asked if Anna
4 George was involved, and what did you say?

5 A Yes, she was.

6 Q Yet, when you were first asked the question,
7 "Were other women involved?", you said, "Yes, I believe
8 so, but I don't know who they are."

9 MR. EPSTEIN: I object to all of this.

10 THE COURT: The objection is sustained.

11 Q Miss Abbott, did there come a time that you were
12 , arrested in Long Island somewhere?

13 A Where is somewhere, Mr. Miller?

14 Q Pardon?

15 A I had, you know, a few arrests. Whereabouts in
16 Long Island?

17 Q Wasn't there an occasion when you were arrested
18 on Long Island and you presented to the Police Department
19 a phony identification?

20 A Oh, I was never arrested, but I was held.

21 Q And at that time you were held -- didn't you
22 present the police with a false identification at that time
23 that you were held?

24 A Yes, I did.

Q Weren't you scared to do that?

A Yes, I was, yes.

Q But in the police station you presented them with a false ID so they wouldn't know who you actually were?

A It is true.

Q You testified that Mr. Bas received \$500 from you, is that correct?

A That is correct.

Q Who determined how much money he should get?

A Mr. Crutch.

Q Miss Abbott, I believe you said yesterday that you testified -- you did testify yesterday that when you went into Lou Bas' shop the first time you said that you were Ike's woman, is that correct?

A That is correct.

Q In your grand jury appearance on February 24, 1977 weren't you asked the question, "Did you tell him . . ."

THE COURT: Page and line, please.

MR. MILLER: Page ML-1.

Q Weren't you asked the question, "Did you tell him," referring to Lou Bas, "you were Mrs. Crutch?" And your answer was, "Yes"?

A I might have. It was either wife or woman. There were so many women involved with Mr. Crutch's life, I didn't know --

1 MR. LEVINSON: I object to this statement
2
3 as being nonresponsive.

4 THE COURT: The objection is sustained.

5 MR. MILLER: I have no further questions.

6 THE COURT: All right. Do you have any questions,
7 Mr. Richman?

8 MR. RICHMAN: Oh, yes, a few, your Honor.

9 CROSS EXAMINATION

10 BY MR. RICHMAN:

11 Q Miss Abbott, my name is Bill Richman. I represent
12 Eugene Crutch.

13 I am a little hard of hearing, and I respectfully
14 ask you if you can keep your voice up.

15 A I will try.

16 Q I don't know whether Jurors 7, 8 and 15 and 16
17 can hear you, but I was having considerable trouble and
18 I was much closer to you.

19 I am going to abide by Judge Carter's admonition,
20 I am going to try to eliminate a lot of the repetitious
21 testimony that has already been presented to the jury,
22 but there are a few facts that I want to bring out,
23 and I trust that I will have your cooperation.

24 Have you used any other name other than Abbott
25 on your arrests and convictions?

Part 17

five checks, he said that's what he was asked to print and the reason why he was asked to print those small number of checks was because he was told they were samples.

As to the confidence, Miss Abbott's testimony was that Ike told her, just let him know that you are free, and that was all he did. It may have sounded like there was some sort of surreptitious clandestine agreement, but her testimony indicates that all she had to do was let Mr. Bas know that she was from Ike.

THE COURT: All right.

MR. MILLER: I think as a matter of law that there is reasonable doubt as to Mr. Bas' state of mind.

THE COURT: There may be certainly a reasonable doubt as to his state of mind, but at the present time there is a reasonable doubt as to all of them. Reasonable doubt is not removed until the jury rules on it.

MR. MILLER: It is my understanding that if at the end of the prosecution's case that as a matter of law the Court finds there is a reasonable doubt it should be dismissed.

THE COURT: If I find that as a matter of law in regard -- all right, I have heard your argument.

MR. LEVINSON: Your Honor, I do want to place just one thing on the record. It is in line with my

Ladies and Gentlemen:

We now come to that part of the case where the evidence is in, the lawyers have presented their arguments, and you are about to exercise your final role which is to pass upon and to decide the fact issues that are in the case. You are the sole and exclusive judge of the facts. You pass upon the weight of the evidence. You determine the credibility of witnesses. You resolve such conflicts as there may be in the evidence and you draw such reasonable inferences as may be warranted by the testimony or exhibits in the case.

My function at this point is to instruct you as to the law that is applicable to the case. It is your duty to accept the law as I state it to you in these instructions, and to apply it to the facts as you find them. The logical result of that application is the verdict in the case.

I have permitted each of you to take notes during the course of this trial. I expect you to use whatever notes you took merely as memory aids. They should not be allowed to take precedence over your independent memory of the facts. Moreover, merely because a fellow juror may have memorialized in his or her notes something contrary to your recollection, is not to be taken by you to mean that your memory is in error. It is your own recollection of the facts, and yours alone, which is controlling.

With respect to any fact matter, it is your recollection and yours alone that governs. Anything that counsel, either for the government or the defense may have said with respect to matters in evidence during the trial, in a question, in colloquy with the court, in argument, or in summation, is not to be substituted for your own recollection of the evidence.

So, too, anything the court may have said during the trial, or may refer to during the course of these instructions, as to any factual matter in evidence, is not to be taken in lieu of your own recollection. The case must be decided by you upon the sworn testimony of the witnesses, and such exhibits as were received in evidence and any stipulation entered into among counsel.

At times throughout this trial I have been called upon to make rulings upon various matters of law, as for example when a question put to a witness was objected to, or after a question was answered a motion was made to strike the answer, or the offer of a document was objected to.

I have sustained some objections and I have overruled others. I have received and rejected exhibits that were offered. It is essential in the performance of your duty that when anything was ordered stricken from the record or rejected you put it out of your mind and disregard it entirely. Similarly, if a question was asked and an objection to that question was sustained and no answer was given, the question itself should play no part in your consideration of the case. Please do not concern yourselves at all with my reasons for any of these rulings. These are purely legal matters, and of no concern to you.

Conferences at the bench were conducted at the request of the attorneys. As I have advised you, these conferences were solely on questions of law and are of no concern to you. You are not to draw any inferences against either side because of requests for such conferences or because such requests were denied.

(It is your function to determine the truth or falsity of the testimony of each witness. No inference as to the credibility of any witness should be drawn from the fact that upon occasion I have asked questions of a witness. My questions were only intended for clarification or to expedite matters. They were not intended to suggest any opinion as to the credibility of a witness who appeared before you.

Now how do you determine the truth and how do you appraise the credibility of the witness? Well, simply put, you use your own plain, every day common sense.

(The degree of credit to be given a witness should be determined by his or her demeanor here, his or her relationship to the controversy and to the parties, his or her bias or impartiality, the reasonableness of his statements, the strength or weakness of his recollection viewed in light of all other testimony and the attendant circumstances in the case.

You observed the witnesses. You heard their testimony. How did they strike you? Did their answers seem frank, open, truthful, candid? Or were they equivocal, deliberately confusing, or evasive? Or were they somewhere in between? How did each witness impress

you? So you take each one, and on the basis of your common sense and your everyday experience you determine whether or not you believe the witnesses and to what extent you believe them.

In passing upon the credibility of a witness, you may also take into account whether there were material inconsistencies or contradictions within his or her own testimony; whether a witness changed his or her testimony; the extent to which he or she has been corroborated or contradicted by other credible evidence.

An interested witness is not necessarily unworthy of belief. The interest of a witness in the outcome of this lawsuit is a factor, however, which you may consider in determining the weight and credibility to be given to that witness' testimony.

If you find that any witness has wilfully testified falsely to any material fact, you may disregard all of his testimony or accept such part of it as you believe worthy of belief as it appeals to your reason or judgment.

The testimony of a witness may fail to conform to the facts as they occurred because the witness is intentionally telling a falsehood, or because the witness did not accurately observe the events about which he testified, or because his recollection of what happened is at fault, or even because he has not expressed himself clearly in giving his testimony.

You are entitled to consider the possibility that where a witness is called upon to testify some time after the event, inconsistencies may result from an innocent mistake or lapse of memory rather than from a deliberate attempt to falsify or change facts. It is not unusual for a witness in a proceeding to utter inconsistencies at some stage.

C.

— You may accept so much of
the testimony of a witness as you may deem true, and
disregard the rest. You are at liberty, if you deem
it appropriate, to disbelieve testimony in whole or
in part, even though it is not otherwise contradicted
or impeached.

The fact that the government is a party here -- that the prosecution is brought in the name of the United States of America -- entitles it to no greater consideration than that accorded to any other party to the litigation. In this connection, it should be remembered that the testimony of agents of the government are not to be entitled to any greater or lesser weight than any witness who is not an agent of the government. All parties, government and individuals alike, stand equal before this court of justice.

Certain of the witnesses called in this case have been identified to you as expert witnesses. These have been John Wills and Burwell Driver, who testified with regard to the fingerprints on checks purportedly seized by the government. Each of these men is qualified to render expert opinions relative to his area of expertise.

The law permits such an expert witness to testify in the form of an opinion, and the opinions stated by these experts are based on particular facts as the expert himself has observed them or as the attorney who questioned him has asked him to assume.

However, the expert is subject to the same rules of credibility as any other witness. You may reject his opinion if you find the facts different than he assumed or if you find his testimony unconvincing, and you may accept or reject the testimony as you would the testimony of any other witness. The opinions of the experts must be considered by you, but are not controlling in reaching a judgment. In short, you may give the expert testimony such weight as you feel it deserves. The determination in this case rests with you, not with the experts.

In deciding this case you will be called upon to consider both direct evidence and circumstantial evidence. I would like to explain the difference between these two types of evidence.

Direct evidence is where a witness or a participant testified to what he saw, heard or observed, what he knows of his own knowledge, something which comes to him by virtue of his senses. A document can also contain direct evidence.

Circumstantial evidence is evidence of facts and circumstances from which one may infer connected facts which reasonably flow in the common experience of mankind. Stated somewhat differently, circumstantial evidence is evidence of facts from which other facts that are material in the lawsuit may be found by a process of inference.

Let me give you an example that I believe has nothing to do with the facts in this case.

Suppose you had a material issue in some case as to whether John Doe was drinking alcoholic beverages on some particular night. A witness might take the stand and testify that he had given whiskey to John Doe and had seen him drinking it. That would be what is termed direct evidence. If you believed the witness and thought he was able to report accurately, you could find from that direct evidence that John Doe had been drinking on the night in question.

On the other hand, you might have a witness testify that he had seen John Doe enter a tavern and then had seen him leave the tavern a few hours later, walking and talking in ways that suggested he was drunk. If you believed that witness and thought he was an accurate reporter you could find on the basis of that testimony that John Doe had been drinking on the night in question. You would be using circumstantial evidence to find the existence of a material fact in that hypothetical case.

Let me tell you for your purposes that there is no general rule of law and no general rule of good sense that places either of these two types of evidence, direct or circumstantial, in a general way on any higher or lower or different footing from the other. With respect to any evidence admitted into a trial record, whether it is direct or circumstantial, it is entitled to such weight, and you are permitted to draw such reasonable inferences, as your good judgment dictates in a particular case.

The weight and effect of any item or category of evidence depend not on whether it is to be categorized as direct or circumstantial but on the concrete significance of that particular piece of evidence in its trial setting and upon its intrinsic credibility and persuasive power in the light of your observations of the witness, your own general experience of things and your reasonable analysis of the whole record.

There are times when different inferences may be drawn from facts, whether they are proved by direct or circumstantial evidence. The government asks you to draw one set of inferences, while the defendants ask you to draw another. It is for you to decide, and for you alone, what inferences you will draw.

During the course of the trial several tape recordings were admitted into evidence as well as several transcripts which purported to reflect the conversations on the recordings. I instruct you that the transcripts are to be considered by you solely as aids in your comprehension of the tape recordings. They are not independent evidence of the conversations. In your understanding of the taped conversations you are to be guided by what you heard on the tapes, not by what you read in the transcripts.

As I advised you at the start of this trial, the indictment is merely an accusation, a charge. It is not evidence or proof of a defendant's guilt and no inference of any kind may be drawn from the indictment.

The government has the burden of proving the charges against each defendant beyond a reasonable doubt. It is a burden that never shifts and remains upon the government throughout the entire trial. A defendant does not have to prove his innocence. On the contrary, he is presumed to be innocent of the accusation contained in the indictment.

The presumption of innocence was in his favor at the start of the trial, continued in his favor throughout the trial, is in his favor even as I instruct you now. It remains in his favor during the course of your deliberations in the jury room.

It is removed only if and when you are satisfied that the government has sustained its burden of proving the guilt of a defendant beyond a reasonable doubt.

Now, what is a reasonable doubt? It is a doubt based on reason, which arises from the evidence or lack of evidence in the case. It is a doubt that a reasonable man or woman might entertain. It is not a fanciful or speculative doubt; it is not an imagined doubt, it is not a doubt that a juror might conjure up in order to avoid performing an unpleasant task or duty. It is not proof to an absolute certainty. Let me repeat--it is a reasonable doubt. It is a doubt that appeals to your reason, to your judgment, your common understanding and your common sense--a doubt that would cause you to hesitate to act in matters of importance in your daily lives. On the other hand, the Government does not have to prove the guilt of a defendant beyond all possible doubt or to a positive certainty. If that were the rule, few people, however guilty they might be, would be convicted. If, when you consider the evidence in this case, you have a reasonable doubt that the Government has proved any element of the crime charged, then you must return a verdict of acquittal. You may not return a guilty verdict simply because you feel that it is more likely than not that a defendant committed the crime charged. A guilty verdict is only appropriate if each and every one of you is satisfied that a defendant's guilt has been proved beyond a reasonable doubt.

Admissions of a defendant are among the most effectual proofs in the law and constitute the strongest evidence against the party making it that can be given of the facts stated in the admission. Accordingly, you are entitled to give great weight to the defendants' admissions in this case. But, as with all the evidence, it is for you to determine what weight to give to the admissions.

The government has called as witnesses Suzan Abbott, Jerold Heitzner, Lloyd Williams and Leonard Caro, who, if their testimony is to be accepted, were accomplices in the crimes charged against the defendants in this case. The government has also called Steven Rowe, an individual commonly known as an informer or informant.

In the prosecution of crime, the government is frequently called upon to use witnesses who are accomplices or informers. Often it has no choice. The government must rely upon witnesses or transactions, such as they are. The law permits the use of informers, provided the rights of the defendants are not violated and, therefore, whether or not you approve of the use of informers should not enter into your deliberations.

The fact that Abott, Heitzner and Williams have admitted their participation to the crimes charged here, the fact that Caro has pleaded guilty to a serious crime, and the fact that Rowe has been convicted of a serious crime, especially crimes bearing on their veracity, may be considered by you as bearing on their credibility as witnesses in this case. Their testimony should be viewed with caution and scrutinized with care. Was any of their testimony a fabrication inspired by any motive of reward, of self-interest or hostility to the defendants? Were they induced to give false or colored testimony against the defendants by a promise or a hope or an expectation of favorable consideration by the government in connection with these or other matter? If you find that this was so, you ought unhesitatingly to reject it.

There is no requirement in the federal courts that the testimony of an accomplice be corroborated. The government contends that the testimony of the accomplices here is corroborated by other evidence with respect to several key portions of their testimony. However, even without such corroboration, conviction may rest upon the testimony of an accomplice, if you believe it and find it credible. It does not follow that because a person has acknowledged participation in the crimes charged against the defendants that he is incapable of giving a true version of what he testified to in the case on trial.

After a cautious and careful examination of the testimony of an accomplice or an informer and his demeanor upon the witness stand, if you are satisfied that he told the truth here as to certain events, there is no reason why you should not accept it as credible and act upon it accordingly.

The indictment in this case contains 29 counts. Each of these counts charges a separate offense or crime. It is your obligation to consider separately each of the individual charges, or counts, of the indictment, and to decide whether, as to each count, the government has or has not sustained its burden of proving beyond a reasonable doubt the guilt of each defendant of the charges in that particular count.

The indictment names six defendants. Only four of these defendants are on trial before you. They are: Isiah Crutch, Louis Bas, Jr., Eugene Crutch and Elie Nicoleau. These are the only persons whose guilt or innocence you must announce in your verdict.

Defendants Isiah Crutch and Louis Bas are charged in all of the counts of the indictment. Elie Nicoleau is charged in only Counts 1 and 28; and Eugene Crutch is charged in only Counts 1 and 29.

In the determination of innocence or guilt, you must bear in mind that guilt is personal. The guilt or innocence of the defendants on trial before you must be determined separately with respect to them, solely on the evidence presented, or the lack of evidence. In other words, the case against each defendant stands or falls upon the proof or lack of proof of the charges against him, and not against someone else, although, as I will explain to you shortly, in considering a particular defendant's guilt or innocence, you may have to determine the nature of the participation, if any, of the other named defendants.

One of the co-conspirators named in the indictment -- Leonard Caro -- and some co-conspirators not named in the indictment -- Jerold Heitzner, Suzan Abott and Lloyd Williams -- are not on trial here. Caro has pleaded guilty in this case. Heitzner, Abott and Williams have admitted their participation in the crimes. Caro's plea and the admissions of Heitzner, Abott and Williams are personal statements of guilt. They are not an indication that the other defendants on trial are guilty, and you are not to consider these statements as evidence against them.

Let me now turn to the indictment in this case. The indictment charges in 29 counts that the defendants or various of the defendants, violated federal laws with respect to wire fraud; interstate transportation of stolen property; interstate transportation of stolen motor vehicles; and interstate transportation of forged and counterfeited securities. The first count charges the four defendants before you and six others with conspiracy to violate these laws. I will refer to the first count as the conspiracy count.

Counts 2 through 29 charge the defendants, or various of the defendants, with substantive or actual violations of the federal laws. Counts 2, 3, 7, 10, 12, 20, 21, and 25 charge defendants Isiah Crutch and Louis Bas with wire fraud.

Counts 4, 8, 11, 13, 15, 17, 18, 19, 22, 23, and 26 charge defendants Isiah Crutch and Louis Bas with the transportation of forged and counterfeited securities in interstate commerce.

Counts 5, 6, and 24 charge Isiah Crutch and Louis Bas with the transportation of stolen property worth \$5,000 or more in interstate commerce.

Counts 9, 14, 16, 27, 28, and 29 charge defendants Isiah Crutch and Louis Bas with the interstate transportation of stolen motor vehicles. Elie Nicoleau, in Count 28, and *Eugene Crutch, in Count 29, are also charged with this offense.

Let me further explain the difference between the conspiracy count and the substantive counts.

The charge in Count 1, the conspiracy count, relates to violations of various federal laws. These laws are set out in Title 18 of the United States Code.

Section 1343 of Title 18 provides, in pertinent part:

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations or promises, transmits or causes to be transmitted by means of wire [or] radio . . . communication in interstate or foreign commerce, any writings, signs, signals . . . or sounds for the purpose of executing such scheme or artifice [is guilty of a crime]."

Section 2314 of Title 18 provides, in pertinent part:

"Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any falsely made, forged . . . or counterfeited securities, knowing the same to have been falsely made, forged . . . or counterfeited [is guilty of a crime]."

This section further provides, in pertinent part:

"Whoever transports in interstate commerce any goods, wares, [or] merchandise . . . of the value of \$5,000 or more, knowing the same to have been stolen, converted, or taken by fraud . . . [is guilty of a crime]."

Section 2312 of Title 18 provides, in pertinent part:

"Whoever transports in interstate . . . commerce a motor vehicle . . . knowing the same to have been stolen . . . [is guilty of a crime]."

Let me now read Count 1, which is the conspiracy count, except ^(b) the alleged overt acts.
A

[READ Count 1 of the Indictment except the Overt Acts]

Section 371 of Title 18 of the United States Code provides, in pertinent part:

"If two or more persons conspire. . . to commit any offense against the United States. . . and one or more of such persons do any act to effect the object of the conspiracy, [each is guilty of a crime]."

In order to find any one of the defendants guilty of a conspiracy, as charged in Count 1, you must be satisfied that the government has proved the following elements beyond a reasonable doubt.

First, you must find the existence of the conspiracy charged in Count 1. In this regard, you must find that sometime between January 1, 1975, and the date of filing this indictment, April 19, 1977, an agreement existed between all of the alleged co-conspirators named in the indictment, or between any two of them, to accomplish at least one of the following objects: (1) to cause to be transmitted by wire and radio communication in interstate commerce messages in furtherance of a scheme or schemes to defraud; (2) to transport and cause to be transported in interstate commerce stolen motor vehicles; (3) to transport or cause to be transported in interstate commerce stolen and fraudulently obtained goods and merchandise of a value in excess of \$5,000; or (4) to transport and cause to be transported in interstate commerce forged and counterfeited checks.

In this regard, you need not find that the conspiracy existed for the entire time mentioned in the indictment or that the agreement was to accomplish all the objectives listed in the indictment. It is sufficient if it is shown that the agreement existed for any part of the time alleged and that at least one of the overt acts was committed in furtherance thereof during the period.

Also, as I shall explain in further detail later, you need not find that all persons mentioned reached an agreement. An agreement between two defendants or between any one defendant and another alleged co-conspirator is sufficient.

Second, that while the conspiracy was still in existence, the defendant whose guilt or innocence you are considering knowingly and wilfully associated himself with the conspiracy with knowledge of its alleged criminal purpose.

Third, that while the conspiracy was still in existence, at least one of the alleged conspirators, not necessarily the defendant you are considering, knowingly

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2 committed at least one of the overt acts set forth in the
3 indictment at or about the time and place alleged; and that such
4 act was committed in furtherance of the conspiracy.

5 If the government fails to establish each of these
6 three elements as to any of the defendants, beyond a reason-
7 able doubt, you must acquit those defendants as to whom the
8 government has failed to establish any element of this count.
9 If the government succeeds in satisfying this burden as to a
10 particular defendant, your duty is to convict that defendant
11 on this count.

12 Now let me elaborate more fully on each of the
13 elements of Count One. As I have informed you, the first of
14 the elements which you must find that the government has
15 proved beyond a reasonable doubt is that the conspiracy charged
16 in the indictment existed. First, I want to discuss with you
17 what the term "conspiracy" means, because that term is here used
18 in a legal context and therefore has a somewhat different
19 meaning than it has when it is used colloquially.

20 What is a conspiracy? A conspiracy is a combina-
21 tion or agreement, of two or more persons, to accomplish a
22 criminal or unlawful purpose. The gist of the crime of
23 conspiracy is the unlawful combination or agreement to violate
24 the law. Whether or not the conspirators finally accomplished
25 what is alleged they conspired to do, is immaterial. That is

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2 to say, the government is not obliged to prove that a purpose
3 of the conspirators was attained.

4 A conspiracy to commit a crime is an entirely
5 separate and distinct offense from the substantive crime which
6 is the object of the conspiracy. In order to find a defen-
7 dant guilty of conspiracy, there is no need to prove that the
8 substantive crime which is the object of the conspiracy has
9 been committed. The essence of the crime of conspiracy is an
10 agreement or understanding to violate other laws. Thus, it is
11 a criminal offense if two or more persons conspire to commit
12 an offense against the United States, and one or more of such
13 persons does any act to effect the object of the conspiracy.

14 It has often been said that a conspiracy is a
15 partnership in crime in which each member becomes the agent
16 of every other member. To establish a conspiracy, however, the
17 government is not required to show that the alleged conspira-
18 tors sat around a table and entered into a solemn compact,
19 orally or in writing, stating that they have formed a
20 conspiracy to violate the law and setting forth details of the
21 plans. It is sufficient if two or more persons, in any manner
22 through any contrivance, impliedly or tacitly, come to a
23 common understanding to violate the law. Express language
24 or specific words are not required to indicate assent or
25 attachment to a conspiracy. On the other hand, mere,

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2 similarity of conduct among various persons, and the fact that
3 they may have assembled together and discussed common aims and
4 interests, does not necessarily establish proof of the exis-
5 tence of a conspiracy.

6 If, upon consideration of all the evidence, direct
7 and circumstantial, testimonial and documentary, you find beyond
8 a reasonable doubt that the minds of at least two of the
9 alleged conspirators met in an understanding way and that they
10 agreed, as I have explained a conspiratorial agreement to
11 you, to work together in furtherance of the unlawful scheme
12 alleged in the indictment, then proof of the existence of the
13 conspiracy is satisfied.

14 If you find that a conspiracy existed beyond a
15 reasonable doubt, then you must consider the second element of
16 the conspiracy count; that is, whether the government has
17 established beyond a reasonable doubt that the defendant whose
18 guilt or innocence you are considering knowingly and wilfully
19 became a participant in the conspiracy with knowledge of its
20 alleged criminal purpose, and in furtherance of its unlawful
21 objectives.

22 You may not assume that a defendant joined a
23 conspiracy simply because you are convinced that he knew or
24 was associated or he had other dealings with people who
25 conspired to violate the law.

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2 I charge you that mere association, even close or
3 repeated association, with some other alleged member of the
4 conspiracy is not sufficient, in and of itself, to support a
5 finding that a defendant was a member of the alleged conspiracy

6 In addition, I instruct you that none of the
7 following is sufficient, in and of itself, to support a finding
8 that a defendant was a member of the alleged conspiracy:
9 mere attendance at a meeting with co-conspirators; or mere
10 presence at the scene of the crime; or mere knowledge of
11 conspiratorial acts or objectives, or mere unwitting partici-
12 pation.

13 The mere fact that two persons or more persons are
14 on trial together cannot be considered in any way as indicating
15 that the participated in a conspiracy to violate the law.

16 All of the conspirators need not be acquainted
17 with each other. They may not have previously associated
18 together. One of the defendants may know only one other
19 member of the conspiracy, but if he enters into an unlawful
20 agreement with that other member of the conspiracy, he becomes
21 a party thereto.

22 To conclude that a defendant was a member of a
23 conspiracy, you must find that he knew the unlawful purpose of
24 the alleged conspiracy, that knowing the purpose he intentional-
25 ly joined in the endeavor, and that he had an interest, in making

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2 it succeed. It is not necessary, however, that you find that
3 each conspirator was fully informed as to the details or the
4 full scope of the conspiracy, or participated in every aspect
5 of the conspiracy. Similarly, you need not find that all of
6 the alleged co-conspirators knew each other. A person becomes
7 a member of a conspiracy by associating himself with a common
8 plan or scheme, knowing the central aim or principal purpose of
9 that common plan or scheme and intending to help bring about
10 its success.

11 To repeat, in order to find a defendant guilty on
12 the conspiracy count, you must find beyond a reasonable doubt
13 that the defendant acted knowingly and wilfully. Specifically,
14 you must find that the defendant knowingly and wilfully became
15 a participant in the conspiracy with knowledge of its unlawful
16 purpose and intending to help bring about its success.

17 Knowledge, wilfulness and intent exist in the mind.
18 Since it is not possible to look into a man's mind to see what
19 went on, the only way you have of arriving at a decision on these
20 questions is for you to take into consideration all the facts
21 and circumstances shown by the evidence, including the
22 exhibits, and to determine from all such facts and circumstances
23 whether the requisite knowledge, wilfulness and intent were
24 present at the time in question.

25 An act is done knowingly if it is done voluntarily

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2 and purposefully and not because of mistake, inadvertence or
3 other innocent reason.

4 An act is wilful if it is done knowingly,
5 deliberately and with an evil purpose. An act is not done
6 wilfully if it is done as a result of a mistake, carelessness,
7 lack of an evil purpose, or for some other innocent reason.

8 It is not necessary for you to find that a defen-
9 dant knew he was breaking a particular law and whether or not
10 an act is knowing or wilful has nothing to do with the
11 defendant's personal or private reasons for committing the
12 act, so long as the act is done with an evil purpose.

13 The government has contended that various of the
14 defendants attempted to conceal their activities, for example,
15 through the use of a fictitious name or false docu-
16 ments. Such evidence, if you find it credible, may be
17 considered by you in determining the issue of knowledge,
18 wilfulness and intent.

19 Once you have found the conspiracy to exist and
20 a particular defendant to have knowingly and wilfully partici-
21 pated in it with knowledge of its unlawful purpose, the extent
22 of his participation has no bearing on his guilt or innocence.
23 The guilt of a conspirator is not measured by the extent of
24 or the duration of his participation. Even if he participated
25 in it to a degree more limited than that of his

1 co-conspirators, he is equally culpable so long as he was in
2 fact a conspirator. Similarly, it is not required that a
3 person be a member of the conspiracy from its very start. A
4 defendant may join a conspiracy at any point while it is in
5 progress, and be held responsible for all that has been done
6 before he joined, and all that may be done thereafter during
7 the existence of the conspiracy and while he remains a member
8 of the conspiracy.

9 Moreover a conspiracy, once formed, is presumed to
10 have continued until its objectives have been accomplished or
11 until there has been an affirmative act by the members of the
12 conspiracy to terminate it. Similarly, once a person is found
13 to be a member of a conspiracy, he is presumed to continue his
14 membership until the termination of the conspiracy or until he
15 affirmatively withdraws or disassociates himself from it.

16 For a single act to be sufficient to draw an actor
17 within the ambit of a conspiracy to violate the federal nar-
18 cotics laws, there must be independent evidence tending to
19 prove that the defendant in question had some knowledge of the
20 broader conspiracy, or the single act itself must be one from
21 which knowledge may be inferred. Thus, absent proof of
22 knowledge of the broader conspiracy, a single act such as
23 *transportation of a stolen car* or actual sale or purchase is insufficient
24 evidence from which to draw an inference that a defendant
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2 knew about or acquiesced in the larger conspiracy. However,
3 conduct consisting of only involvement in a single transaction
4 may nevertheless be treated as rationally permitting the infer-
5 ence of knowledge of the broader conspiracy where the single
6 act itself shows so much familiarity with or high-level
7 participation in the overall conspiracy as to be in and of
8 itself indicative of the broader conspiracy.

9 Now let me instruct you as to how you are to con-
10 sider the acts and statements of alleged co-conspirators.

11 You will recall that throughout the trial the acts
12 and statements of one alleged co-conspirator in the absence of
13 other alleged co-conspirators were received only with respect
14 to the particular person or persons making them.

15 If you find that a conspiracy existed, then in
16 considering the second element, whether or not a particular
17 defendant was a member of the conspiracy, you may rely not only
18 on his own statements but on the statements and declarations
19 of the other alleged co-conspirators.

20 Moreover, if you find that a conspiracy existed,
21 then any act or declaration made during the conspiracy, and
22 in furtherance of it by a person found by you to have been a
23 member of the conspiracy may be considered against a defen-
24 dant, who you have found was also a member, even though such
25 act or declaration was made in the absence and without the

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2 knowledge of that defendant.

3 Conversely, such acts or declarations of a
4 conspirator which were made before the existence or after the
5 termination of the conspiracy or which were not in furtherance
6 of the conspiracy, may be considered only against the person
7 who made them.

8 In proving the charges against the defendants on
9 trial before you, the Government introduced evidence of the
10 acts and declarations of co-conspirators who are not on trial
11 here and are not named as defendants. You may not draw any
12 inference, favorable or unfavorable, towards the Government or
13 the defendants on trial from the fact that certain persons
14 were not named as defendants or conspirators or having been
15 named, are not on trial before you now. You are not to specu-
16 late as to the reasons why certain individuals are not on
17 trial or are not named as defendants. Those matters are
18 wholly outside your concern and have no bearing on your func-
19 tion as jurors.

20 Now we come to the third element you must consider
21 as to Count One. If you have found that the alleged conspiracy
22 existed and that the defendant whose guilt you are considering
23 was a member of it, then you must consider the "overt act"
24 requirement.

25 The offense of conspiracy is complete when the

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2 unlawful agreement is made and any single overt act is done
3 by one of the alleged conspirators in furtherance of the
4 conspiracy.

5 By the term "overt act" we mean an act committed
6 in an effort to accomplish or further some object or purpose
7 of the conspiracy. The overt act in this sense need not be
8 a crime itself. It must, however, be an act which follows
9 from the conspiracy and is directed toward accomplishment of
10 the criminal purpose of the conspiracy. I will now read the
11 overt acts charged in the indictment:

12 [Read Overt Acts:]

In addition, the government must show that at least one overt act was committed in the Southern District of New York. I charge you that the Southern District of New York includes Manhattan, the Bronx and Westchester County, new York.

If you find beyond a reasonable doubt that such a conspiracy existed as charged in the indictment and that during the existence of the conspiracy at least one of the overt acts alleged was knowingly done by one or more of the conspirators in furtherance of some object of the conspiracy, proof of the conspiracy offense is complete. It is complete as to each defendant found by you, the jury, beyond a reasonable doubt to have knowingly and wilfully been a member of the conspiracy at the time the overt act was committed, regardless of which of the conspirators committed the overt act.

While the indictment charges in Count 1 that the conspiracy existed from on or about January 1, 1975, and continuously thereafter up to and including April 19, 1977, I repeat that it is not essential for the government to prove that the conspiracy started and ended on or about those specific dates. It is sufficient if you find that in fact a conspiracy was formed and existed for some substantial time within the period set forth in the indictment and that at least one overt act was committed in furtherance thereof in that period.

Similarly, it is not necessary for the government to prove that each member of the conspiracy committed or participated in any particular overt act since the act of any member of the conspiracy done in furtherance of the conspiracy becomes the act of all the other members.

Let me remind you that in order to find a defendant guilty under Count 1, you must find that he was a member of the conspiracy charged in the indictment and not some other conspiracy.

Now let me turn to the substantive counts in the indictment. Because they involve the same statute, I will read Counts 2, 3, 7, 10, 12, 20, 21, and 25 together.

[READ Counts 2, 3, 7, 10, 12, 20, 21, and 25]

With respect to these counts, the applicable statute is the one I have already read to you in connection with Count 1, namely, Section 1343 of Title 18. Let me read it once again in pertinent part:

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations or promises, transmits or causes to be transmitted by means of wire [or] radio. . .communication in interstate or foreign commerce, any writings, signs, signals. . .or sounds for the purpose of executing such scheme or artifice [is guilty of a crime]."

In order to find a defendant guilty of the offense charged in any one of the counts I have just read to you, you must find that the government has proved as to him each of the following essential elements beyond a reasonable doubt:

(1) that at or about the time alleged in that count the defendant devised or intended to devise, a scheme or artifice to defraud or a scheme or artifice to obtain money or property by means of false or fraudulent pretenses or representations;

(2) that the defendant acted wilfully and knowingly and with an intent to defraud; and

(3) that, for the purpose of executing the scheme, the defendant transmitted, or caused another to transmit, a communication by wire in interstate commerce.

The first element of the offenses charged which you must consider is whether the government has proved beyond a reasonable doubt that there existed either a scheme or artifice to defraud, or a scheme or artifice to obtain money and or property by false pretenses or representations. As used in this case the words "scheme" and "artifice" merely mean a plan for the accomplishment of an objective.

A scheme to obtain money or property by false representations refers to any plan by which one person seeks to obtain money or property from another by means of misrepresentations as to a material fact. Such misrepresentations may be made in two ways: (1) by statements of material facts which are not true; and (2) by the failure to state material facts which needed to be stated in order to permit a full understanding of the truth of the matters involved. A half truth may be no more honest than an outright falsehood and, therefore, a scheme to make false representations may be constituted by half truths which are calculated to mislead.

Furthermore, while a misrepresentation may be explicit, that is, an actual statement which misrepresents a fact, it may also be implicit. An implicit misrepresentation is a statement which, without specifically stating so, would lead one to believe that a fact is other than it really is. Such an implicit misrepresentation, if you find beyond a reasonable doubt that it was made, can satisfy the Government's burden of proof.

Of course, before you can find that there existed a scheme to obtain money or property by false representations, you must find that the facts allegedly misrepresented, whether by affirmative false statements or by the failure to state other relevant facts, were material to the matter under consideration. "Material" facts are facts which are reasonably necessary to a person before he can decide whether to act or not to act in regard to a particular matter.

In addition to a scheme to obtain money or property by false pretenses, the Government may also show a scheme to defraud. A "scheme to defraud" is a plan using any means, including but not limited to false pretenses, to obtain something of value by trick or deceit.

In deciding whether the government has satisfied its burden of proving the first element of the offenses charged in Counts 2, 3, 7, 10, 12, 20, 21, and 25, i.e., that there existed a scheme to defraud or a scheme to obtain money or property by false representations, you must decide whether the government has proved the particular scheme charged in the indictment.

There are six different fraudulent schemes alleged in the various wire fraud counts of this indictment. Counts 2 and 3 allege a scheme to defraud the Security National Rare Coin Company, San Antonio, Texas and to obtain its property, that is, gold coins. Count 7 alleges a scheme to defraud the Continental Coin Company, Minneapolis, Minnesota and to obtain its property, that is, gold coins. Count 10 alleges a scheme to defraud Dionisio Ramon Arenas and to obtain his property, a Hasselblad camera. Count 12 alleges a scheme to defraud Samuel Higginbottom and to obtain his property, a Mercedes Benz. Counts 20 and 21 allege a scheme to defraud the Polaroid Corporation, Paramus New Jersey and to obtain its property, SX-70 cameras. Count 25 alleges a scheme to defraud Milton Rusonik and to obtain his property, a Rolls Royce.

As to the second element, the government must prove beyond a reasonable doubt that Isiah Crutch and Louis Bas acted wilfully and knowingly. As I told you before, an act is wilful if it is done knowingly, deliberately and with an evil purpose. An act is not done wilfully if it is done as a result of a mistake, carelessness, lack of evil purpose or for such other innocent reason.

The government must also show beyond a reasonable doubt that the defendant you are considering acted with an intent to injure or defraud another. Intent to injure or defraud does not mean malice or ill will. It means to act knowingly and with the specific intent to deceive or cheat, for the purpose of either causing financial loss to another, or bringing about some financial gain to one's self.

If you have found that a defendant participated in a scheme to defraud and that such participation was wilful, knowing and with an intent to deceive, then you must consider whether the government has proved beyond a reasonable doubt the third essential element

-- that the specific use of wire communications in furtherance of the scheme to defraud charged in the respective counts, actually occurred and that these wire communications were transmitted in interstate commerce.

I charge you that a wire transmission includes a telephone call. "Interstate" simply means between two states, and "interstate commerce" would simply mean that sounds and signals comprising the telephone call moved from one state to another.

If you find that the telephone calls described in the Indictment were made, then, as a matter of law, such calls constituted the transmission of sounds by means of wire communication in interstate commerce within the meaning of the statute.

Furthermore, it is not necessary for the Government to prove that the defendant whose guilt or innocence you are considering personally placed the telephone call in question, or, indeed, that any defendant placed the call. It is sufficient if the proof shows that the defendant in question took steps which he knew or reasonably could have foreseen at the time would naturally and probably result in the use of wire communications in interstate commerce, whether or not that defendant actually knew of the interstate call.

I instruct you that under the law applicable to this case, each transmission of an interstate wire communication for the purpose of executing a fraudulent scheme constitutes a separate crime.

Furthermore, I charge you that the government need not prove that a scheme or artifice to defraud actually succeeded. Therefore, in order to convict, it is not necessary for you to find that a defendant realized any gain from the scheme or that the intended victim suffered any loss.

Now we will turn to Counts 4, 8, 11, 13, 15, 17, 18, 19, 22, 23, and 26. Because these counts involve the same statute, I will read them together.

[READ Counts 4, 8, 11, 13, 15, 17, 18, 19, 22, 23, and 26]

With respect to these counts, the applicable statute is one I have already read to you in connection with Count 1, namely, Section 2314 of Title 18 of the United States Code. Let me read it once again in pertinent part:

"Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any falsely made, forged. . .or counterfeited securities, knowing the same to have been falsely made, forged. . .or counterfeited [is guilty of a crime]."

In order to find either Isiah Crutch or Louis Bas guilty of causing falsely made, forged, and counterfeited securities to be transported in interstate commerce, you must find the following elements beyond a reasonable doubt.

First, that on or about the date set forth in each count, the defendant you are considering caused to be transported in interstate commerce certain securities;

Second, that the securities were falsely made, forged, or counterfeited;

Third, that the defendant knew that the securities were falsely made, forged, or counterfeited; and

Fourth, that the defendant acted with unlawful and fraudulent intent.

With respect to the first element, I instruct you that as a matter of law a check is a security within the meaning of this statute. I have already instructed you as to the meaning of "interstate commerce" with respect to wire fraud. "Interstate commerce" here would simply mean that the checks involved moved from one state to another.

With respect to the second element of this offense, if you find that the checks that are the subject of these counts were not genuine obligations of the banks whose names they bear but rather were manufactured and used without the permission of that bank, you may find that they were falsely made and counterfeited. If you find that the checks were signed by individuals other than the bank officials authorized to sign such instruments, you may find that they were forged.

With respect to the third element, you must find beyond a reasonable doubt that the defendant you are considering knew that the checks were falsely made, forged or counterfeited. However, in order to prove a defendant guilty under this statute, the government need not prove that he knew that the checks were to be transported in interstate commerce. It need only prove that the defendant knew that the checks were falsely made, forged or counterfeited and that he caused, aided, abetted, or induced their transportation in interstate commerce.

With respect to the fourth element, you must find beyond a reasonable doubt that the defendant you are considering acted unlawfully and with fraudulent intent. As I have told you,

fraudulent intent means to act knowingly and with the specific intent to deceive or cheat, for the purpose of either causing financial loss to another, or bringing about some financial gain to one's self.

Let me explain to you what aiding and abetting means. Title 18 of the United States Code, Section 2 provides:

"Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal."

Thus, a person who aids or abets another to commit an offense is just as guilty of that offense as he would be had he committed it himself.

Before you can conclude that a person aided or abetted, you must first find that the substantive crime charged -- the transportation of forged or counterfeited checks in interstate commerce -- was in fact committed.

Secondly, you must determine that the defendant in some way knowingly and intentionally associated himself with the criminal venture, that he participated in it as something he wished to bring about and that by his actions he tried to make the crime successful. You must find more than the defendant's mere presence or knowledge of the offense.

In other words, if one, fully aware of what he is doing, plays a significant role in furthering and facilitating an act prohibited by law, he is equally as guilty as the person who actually and physically performed the act or acts, even though the latter played a greater part in the perpetration of the crime.

I will now turn to Counts 5, 6, and 24. These three counts involve the same statute and will therefore be read together.

[READ Counts 5, 6, and 24]

With respect to these counts, the applicable statute is one I have already read to you in connection with Count 1, namely, Section 2314 of Title 18 of the United States Code. Let me read it again, in pertinent part:

"Whoever transports in interstate commerce any goods, wares, [or] merchandise. . . of the value of \$5,000 or more, knowing the same to have been stolen, converted, or taken by fraud . . . [is guilty of a crime]

In order to find either defendant Isiah Crutch or Louis Bas guilty of transporting stolen property in interstate commerce as charged in the indictment, you must find the following elements beyond a reasonable doubt.

First, that on or about the date charged in each count, the defendant transported stolen property or property taken by fraud in interstate commerce;

Second, that the value of the property was \$5,000 or more; and

Third, that the defendant knew the property had been stolen or taken by fraud.

With respect to the first element, the government must prove to you beyond a reasonable doubt that the goods in question were stolen or taken by fraud. Property is stolen when it is taken with criminal intent to deprive the owner of the rights and benefits of ownership. A person takes property by fraud when he acts knowingly and with the specific intent to obtain the property by cheating and deceiving the owner.

If you are convinced beyond a reasonable doubt that the goods in question were stolen or taken by fraud, you must then determine whether they were transported by the defendant you are considering from one state to another.

You must next be convinced that the property mentioned in each count was valued at \$5,000 or more. "Value" means the market value of ~~the market value of~~ the property involved. That is, the price that a willing buyer would pay to a willing seller. The property involved in Count 5 is a shipment of gold coins bearing a price of \$18,800; in Count 6, it is a shipment of gold coins bearing a price of \$6,790; and in Count 24, it is a shipment of 250 Polaroid SX-70 cameras bearing a price of \$33,000.

In order to prove the defendant guilty under this statute, the government need not prove that the defendant knew the stolen or fraudulently obtained goods were to be transported in interstate commerce. It need only prove that

the defendant knew that the goods were stolen or fraudulently obtained and that he caused, aided, abetted, or induced their transportation.

As I have just told you, a person who aids or abets another to commit an offense is equally as guilty of that offense as he would be if he had committed it himself

Before you can conclude that a person aided or abetted, you must first find that the substantive crime charged -- the transportation of stolen or fraudulently obtained property valued at \$5,000 or more in interstate commerce, in this instance -- was in fact committed.

Secondly, you must determine that the defendant in some way knowingly and intentionally associated himself with the criminal venture, that he participated in it as something he wished to bring about and that by his actions he tried to make the crime successful. You must find more than the defendant's mere presence or knowledge of the offense.

I will now turn to the remaining counts. They are Counts 9, 14, 16, 27, 28, and 29. Again, I will read them together since they involve the same statute.

* [READ Counts 9, 14, 16, 27, 28, and 29]

The applicable statute with respect to these counts is Section 2312 of Title 18 of the United States Code. As with the other statutes, I have already read it to you in connection with the conspiracy count. I will read it once again in pertinent part:

"Whoever transports in interstate. . . commerce a motor vehicle. . . knowing the same to have been stolen. . . [is guilty of a crime]."

In order to find defendant guilty of the offense charge in these counts, the government must prove beyond a reasonable doubt the following elements.

First, that the automobile named in each count had been stolen;

Second, that on or about the date in question, the defendant transported this motor vehicle in interstate commerce; and

Third, that the defendant knew the motor vehicle to have been stolen.

With respect to the first element, I have already explained to you that property is stolen when it is taken with criminal intent to deprive the owner of the rights and benefits of ownership. It also means taken by fraud as well as outright theft.

To find that the motor vehicle in question was transported in interstate commerce you already know that you must be convinced beyond a reasonable doubt that the vehicle was transported from one state to another.

In order to prove the defendant guilty under this statute, the government need not prove that the defendant knew the stolen motor vehicle was to be transported in interstate commerce. It need only prove that the defendant knew that the vehicle was stolen and that he caused, aided, abetted, or induced its transportation.

You have already been instructed that a person who aids or abets the commission of a crime is just as guilty of that offense as he would be had he committed it himself. Let me remind you, however, that before you can conclude that a person aided or abetted, you must first find that the substantive crime charged -- in this instance, the transportation of a stolen motor vehicle in interstate commerce -- was in fact committed.

Secondly, you must determine that the defendant in some way knowingly and intentionally associated himself with the criminal venture, that he participated in it as something he wished to bring about and that by his actions he tried to make the crime successful. You must find more than the defendant's mere presence or knowledge of the offense.

You have heard testimony that some of the defendants have performed certain acts which occurred before or after the acts charged in the indictments. Let me repeat the instructions I gave you at that time. The defendants here are not being charged with those acts and you cannot use them to determine whether they committed the crimes charged in the indictment.

Nor may evidence of an alleged similar act be considered for any other purpose whatever, unless you first find that the other evidence in the case, standing alone, establishes beyond a reasonable doubt that the accused did the particular act charged in the indictment in this case.

However, if you do find, beyond a reasonable doubt, based solely on evidence other than ~~the~~ similar acts, that the defendants did any of the acts charged in the indictment in this case, then you may consider evidence as to ~~the~~ similar acts in determining the state of mind or intent of the defendants at the time they did those acts. That is to say, if prior ^{or} similar acts have been established by the government then you may, but are not obliged to, draw the inference that, in doing the act charged in this case, the accused acted knowingly and intentionally, and not because of mistake or accident or other innocent reason.

There has been testimony that defendants Nicoleau and Bas, at the time of their arrests, each made certain statements that were exculpatory; that is, statements that tended to show their innocence. The government contends that those statements were false. If you find, beyond a reasonable doubt, that a particular defendant made false exculpatory statements, then such statements are circumstantial evidence of guilty consciousness. They may not be considered against any other defendant. Such statements, even if false, are not sufficient evidence by themselves to support a conviction.

Now let me address myself to more general considerations which you must bear in mind during your deliberations.

First, I must emphasize again that there are four defendants on trial here and you must consider separately whether the defendants charged have been proven guilty beyond a reasonable doubt.

It is your duty to give separate and personal consideration to the case of each defendant. When you do so you should analyze what the evidence in the case shows with respect to that individual, leaving out of consideration entirely any evidence admitted solely with regard to the other defendants. Each defendant is entitled to have his case determined from the evidence in the case which may be applicable to him. The fact that you may find one of the accused guilty or not guilty of any particular count should not influence your verdict with respect to the other defendants or with respect to any other count.

As I told you before, the government has the burden of proving the charges against each defendant beyond a reasonable doubt. A defendant does not have to prove his innocence. A defendant has the right to remain silent. He does not have to testify or present any evidence or witnesses in his behalf, and you may not draw any inference or conclusion or form any prejudice because a defendant did not testify.

On the other hand, the law permits a defendant to testify in his own behalf if he wishes to do so, and Louis Bas¹ is elected to testify in this case.

The testimony of a defendant must be considered by you as would the testimony of any other witness. You must determine, therefore, the credibility of Louis Bas' testimony and in so doing you must consider the deep personal interest which every defendant has in the outcome of his case. Indeed, it is fair to say that a defendant has the greatest stake in the outcome. A defendant's interest in the result of his trial is of a character possessed by no other witness. That interest requires that you receive such testimony with caution and subject it to the most careful scrutiny. However, it by no means follows that simply because a person has a vital interest in the end result that he is not capable of telling a truthful and straightforward story, and it is for you to decide to what extent, if at all, his interest has affected or colored his testimony.

Defendant Louis Bas has introduced evidence of his good reputation in his community for honesty, integrity and truthfulness. The introduction of such evidence bears upon the unlikelihood that a person with this character would perpetrate a fraud or the crimes charged in this Indictment, and, therefore, you should consider this evidence in the case in determining whether the prosecution has proved defendant Louis Bas' guilt beyond a reasonable doubt.

Evidence of good reputation may, in itself, create a reasonable doubt as to guilt where without such evidence no reasonable doubt would exist.

On the other hand, if on all the evidence you are satisfied beyond a reasonable doubt that a defendant is guilty, a showing that he previously enjoyed a reputation of good character does not justify or excuse the offense and you should not acquit him merely because you believe that he is a person of good repute.

The testimony of a character witness is a reflection of a reputation in the community. Testimony of character reputation is not to be taken by you as the witness' opinion as to the guilt or innocence of a defendant. The guilt or innocence of a defendant is for you and you alone to determine. Consequently, you may consider whether those with whom a defendant came in contact previously and with whom he established a community reputation were not informed as to matters bearing on his character. That is a matter for you to determine from all of the evidence.

(Now, under your oath as jurors you cannot allow a consideration of the punishment which may be inflicted upon a defendant, if he is convicted, to influence your verdict in any way or in any sense enter into your deliberation.

The duty of imposing sentence rests exclusively upon the Court. Your function is to weigh the evidence in the case and to determine the guilt or innocence of a defendant solely upon the basis of such evidence and the law.

(You are to decide the case upon the evidence, and the evidence alone, and you must not be influenced by any assumption, conjecture, or sympathy, or any inference not warranted by the facts.

(If you fail to find beyond a reasonable doubt that the law has been violated, you should not hesitate for any reason to find a verdict of acquittal. But on the other hand, if you should find that the law has been violated as charged, you should not hesitate because of sympathy or any other reason to render a verdict of guilty.

United States of America vs.

United States District Court for

DEFENDANT

LOUIS BAS JR

SOUTHERN DISTRICT OF NEW YORK

DOCKET NO. S.77 Cr.246 R.L.C.

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
7	27	77

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

LEE MILLER ESQ

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE,☒ NOT GUILTYFINDING &
JUDGMENTThere being a ~~finding~~ verdict of☐ NOT GUILTY. Defendant is discharged☒ GUILTY. on counts 1,15,16,17,25,26,27.

Defendant has been convicted as charged of the offense(s) of conspiracy to commit wire fraud. (Title 18, United States Code, Section 371). interstate transportation of forged security. (Title 18, United States Code, Sections 2314 & 2). interstate transportation of stolen motor vehicle. (Title 18, United States Code, Sections 2312 & 2).

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of FIVE(5) YEARS on each of counts 1,15,16,17,25,26,27, to run concurrently with each other. The defendant is released on his own recognizance pending appeal.

SPECIAL
CONDITIONS
OF
PROBATIONADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

ROBERT L. CARTER

Date

July 27, 1977

JUL 27 1977

S. D. OF N. Y.

153

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA , :

-against- :

ISIAH CRUTCH, LOUIS BAS, Jr., :

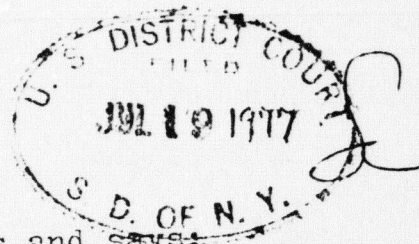
et al., :

* Defendants. :
-----X

State of New York ss.:
County of New York

77 CR 246 (RLC)

AFFIDAVIT



LEE R. MILLER being duly sworn, deposes and says:

That I am the attorney for the defendant LOUIS BAS, Jr.
in the above captioned indictment.

That on July 1, 1977, I interviewed jurors number 1, Ms. Bilgas, number 5, Ms. Mazur and juror number 7 or 8, Ms. Warner or Ms. Berrios, concerning the guilty verdict which said jury so determined as to defendant Bas on counts 1, 15, 16, 17, 25, 26 and 27.

That during the above mentioned interview, I asked those jurors what effect, if any, the testimony of Defendant Crutch, to wit: that defendant Bas was never told of the intended illegal purposes the checks Bas printed were to be used and that Crutch always held himself out to Bas as a legitimate businessman, would have had on said jurors.

All three mentioned jurors indicated that they would have acquitted Bas had such testimony been proffered. Furthermore, juror Mazur informed me that during the jury's deliberation, they could not understand why if Bas had been telling the truth

about his relationship with Crutch, Crutch did not verify it by so testifying.

WHEREFORE, it is requested that the Court order the jury clerk to provide the undersigned with the names, addresses and telephone numbers of all the jurors who served in the above matter, in order that the affidavits of said jurors may be filed with this Court in connection with a motion to set aside the verdict pursuant to Rule 33 of the Federal Rules of Criminal Procedure.

Lee R. Miller
LEE R. MILLER

sworn to before me this

18th day of July, 1977

Michael Azaria
MICHAEL AZARIA
NOTARY PUBLIC, State of New York
No. 31-0121388
Qualified in New York County
Commission Expires March 30, 1979

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA
-against-
ISIAH CRUTCH,
LOUIS BAS, Jr. et al.
Defendants.

AFFIDAVIT

Attorney for LOUIS BAS, Jr.

Office and Post Office Address, Telephone
585 West End Ave.
New York, New York 10024
212-595-2293

To A.U.S.A.
Jeremy Epstein
Attorney(s) for United States

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

copy received
7/19/77
9:30 AM
G. Epstein
AWA

copy received
Jerey G. Epstein
A. U. S. A.

2/11/78

10:50 A.M.